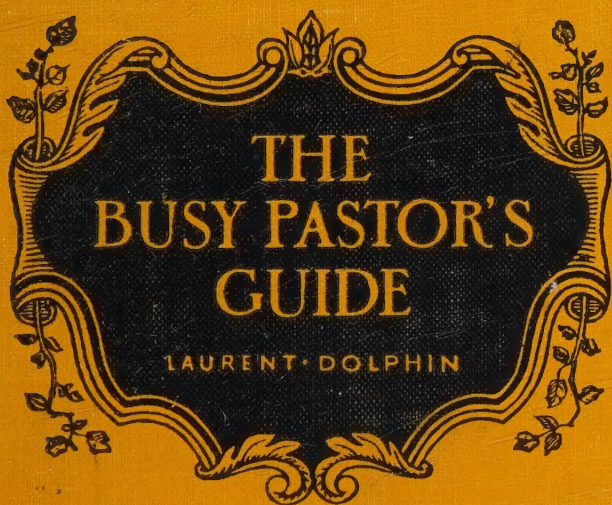




THE
BUSY PASTOR'S
GUIDE

LAURENT • DOLPHIN



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THE BUSY PASTOR'S GUIDE

*A resumé of Canon Law,
Moral and Pastoral Theology, together
with the relevant Decisions
of the Roman Congregations*

A translation by REV. OLIVER DOLPHIN, of the 4th Edition (1923) of the *Directoire Pratique pour le Clergé, d'après le Nouveau Code Canonique et les Décisions Récentes des Congrégations Romaines*, by Canon Ch. Laurent, Director of the Grand Seminary of Verdun.

WITH A FOREWORD BY

MOST REVEREND AUSTIN DOWLING, D.D.
Archbishop of St. Paul



FOR SALE BY

REV. P. J. RYAN
FARIBAULT, MINN.

NIHIL OBSTAT

WILLIAM H. AGNEW, S. J.,

Censor Deputatus

IMPRIMATUR

✠GEORGE CARDINAL MUNDELEIN

Chicago, April 3, 1924

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By OLIVER DOLPHIN

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FOREWORD

THE "*Directoire Pratique pour le Clergé*", by Canon Laurent of the Seminary of Verdun, has received such instant recognition from the clergy of France, for whom it was primarily intended, that it scarcely needs a recommendation in its English dress. It is all that it claims to be—practical, therefore concise—encyclopedic in its range of topics—and, thru its excellent method of treatment, readily consulted. For the priest on the mission it is an introduction to the New Code of Canon Law, by which it is inspired. Its definiteness, clearness, and exact information about those things which deal with the "*cura animarum*", will make it a reference book for the desk, rather than for the library, of the busy priest.

We hope it will spread widely among the clergy a knowledge of and a respect for the Church's law as expressed in her Canons, which after all, are only the principles of Moral Theology reduced to the forms and sanctions of the Church's organic life.

✠ AUSTIN DOWLING,

Archbishop of St. Paul.

St. Paul, April 10, 1924.

*Letter of Rt. Rev. Mgr. Ginisty, Bishop of Verdun,
to the Author*

DIOCESE OF VERDUN.

Bar-le-Duc, Sept. 14, 1920.

Reverend and dear Father Director:

I am much pleased to learn that you are about to publish in book form the "*Directoire Pratique du Clergé*", which appeared in our "*Semaine Religieuse*". By eliminating or modifying what was peculiar to the Diocese of Verdun, you have made your book an epitome of Canon Law, a sort of practical catechism which makes it possible for priests to secure speedy information concerning the rules and duties of their office, before referring to the text of the New Code, which gives full and clear explanation of these matters.

Accept, dear Father Director, the expression of my warmest affection in Our Lord.

✠ CHARLES, BISHOP OF VERDUN.

AUTHOR'S PREFACE TO THE FOURTH EDITION

IT would be almost as unpardonable for a priest not to have at hand the Codex of Canon Law, as it would be for a lawyer not to own a copy of the Civil Code. And yet there are many priests who are so occupied with the various demands of their ministry that they need to have some means of speedily securing information with reference to the urgent cases that arise from time to time, without being compelled to take the time to analyze and compare the Canons that apply to them.

It is solely with the desire to facilitate such research that this present work is offered to the clergy. And it would seem that this purpose has been realized, if we are to judge by the warm welcome that has been accorded it. Moreover, as competent critics tell us, it stimulates, by its clear and exact references, the inclination to refer to the Codex itself. So, as a matter of fact, far from usurping the place of the Codex in priestly libraries, it rather tends to familiarize priests with canonical questions, and to induce them to refer more often to the authentic text.

This new edition, revised and corrected in certain passages, extends still further the field of usefulness of the "*Directoire*". Like all other legislation, that of the Church is constantly growing; and since May 27, 1917, the date of the promulgation of the Code, it has already undergone a certain number of explanations and elucidations, either thru the responses of the Pontifical Commission instituted for the interpretation of the Code, or thru new decrees of the Roman Congregations. These new rules and authentic interpretations of old rules have been inserted in their proper places in the "*Directoire*", which is, therefore, up to date as far as November 1, 1922. By careful revision and correction of this nature, which will be repeated in subsequent editions, the work will possess a note of constant newness, thanks to which it will, we hope, be always a "Practical Guide".

CHARLES LAURENT.

Grand Seminary of Verdun,
in the Monastery of Benoite-Vaux.
November 15, 1922.

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Qui diligit disciplinam, diligit scientiam. (Prov. 12-1.)

BOOK I

Disciplina Sacramentalis

PREAMBLE

SOME GENERAL RULES

THE SUBJECT OF THE SACRAMENTS

1. *Is it allowed to administer the sacraments of the Church to heretics and schismatics who are in good faith?*

We must distinguish:

1. If they are *not* in danger of death,— No!, unless they first make their abjuration and are reconciled to the Church (Canon 711, § 2).
2. If they *are* in danger of death,— a further distinction is to be made:

A. If they have *not* the use of their senses,— Yes!, provided there is a probable reason for believing that they would accept the ministry of the priest if they knew that it was necessary.

B. If they *have* the use of their senses, a still further distinction is to be made:

(1). If there is *no hope* of inducing them to accept the Catholic faith, the priest *should* strive to excite in them the most perfect possible sentiments of contrition; then he *may* absolve them *secretly* and *conditionally*.

(2). If there is *some hope* of inducing them to accept the Catholic faith without incurring the risk of disturbing their good faith, and if their condition permits, the priest should first urge them to do so.

N.B. In any case, the priest must carefully avoid destroying the good faith of the dying person; and he must also avoid giving scandal.

THE MATTER OF THE SACRAMENTS

THE WATER FOR BAPTISM

2. *What kind of water is to be used in the administration of Baptism?*

1. In danger of death,—any natural water may be used.

2. In all other cases,—Baptismal water (Canon 757, § 1), even for baptism in a private house (Canon 776, § 2).

3. *What is to be done if there is not enough Baptismal water on hand for a baptism?*

Add ordinary water to the Baptismal water on hand. This may be done several times; but the amount of ordinary water added must always be less than the amount of the Baptismal water on hand (Canon 757, § 2).

4. *What is to be done if the Baptismal water is all gone, or if it has become corrupt?*

Thoroughly clean the Baptismal font, and bless new Baptismal water, following the prescriptions of the liturgy (Canon 757, § 3).

THE HOLY OILS

5. *Which are the holy oils that are to be used in the administration of the sacraments?*

Those that were blessed by the Bishop on the last preceding Holy Thursday (Canon 734, § 1).

6. *Is it ever allowed to use Holy Oils left over from preceding years?*

Only in case of necessity (Canon 734, § 1).

7. *What is to be done in case the Holy Oils give out?*

Add unblest olive oil to the Holy Oil on hand. This may be done several times (on several occasions); but the amount of olive oil added must always be less than the amount of Holy Oil on hand (Canon 734, § 2).

8. *From whom are pastors to procure the Holy Oils?*

From their own Bishop (Canon 735).

9. *Where should the Holy Oils regularly be kept?*

In vessels of silver or tin, in a clean and decent place (in the church or sacristy), under lock and key (Canons 735 and 946).

In the rectory, by permission from the Ordinary, if there is any necessity or sufficient reason (Canon 735).

THE EUCHARISTIC BREAD

10. *What qualities are required in the Eucharistic bread?*

1. It must be made of pure wheat; and it must be recently baked (Canons 815 and 1272).

2. The hosts must be renewed frequently, the old ones being consumed in accordance with the rules, in order to avoid all danger of corruption. The instructions of the Ordinary on this matter are to be carefully followed (Canon 1272).

11. *Is it allowed to use hosts that were baked two or three months ago?*
No! (S. C. Sacr., Dec. 7, 1918).

12. *How often should the Sacred Species be renewed?*

1. According to several recent decisions of the Sacred Congregation of Rites, the rule would be to renew them every week.

2. In practice,—it would seem that we may extend this time to fifteen days; for Rome has given approbation to statutes which prescribe their renewal only every fifteen days.

THE MASS WINE

13. *What qualities are required in the wine for Mass?*

It must be natural (made out of grapes), and uncorrupted. (Canon 815, § 2).

14. *Is it allowed to say Mass with wine made out of raisins?*

Yes! provided that the color and taste of the liquid show that it is genuine wine (Holy Office, July 22, 1706, May 7, 1879, April 10, 1889).

15. *In what manner is it permitted to fortify wine that is weak in alcoholic content, and thus prevent it from turning into vinegar?*

1. It is permitted to heat it to about 149 degrees Fahrenheit, either before or after fermentation; but only on condition that the fermentation be not prevented by this heating process (Holy Office, July 3, 1890, Aug. 5, 1896, May 21, 1901).

2. It is permitted to add alcohol to it, under the following conditions:

A. That the alcohol added be alcohol produced by the distillation of grapes or wine.

B. That the final alcoholic strength do not exceed 12 per cent.

C. That the mixture be made when the fermentation of the new wine is beginning to subside.

16. *Is it permitted to fortify Mass wine by adding sugar before the fermentation, or by adding alcohol that is not produced from grapes or wine?*

No! (Holy Office, Aug. 5, 1896).

17. *Is it permitted to add grape- or wine-alcohol to sweet wine whose strength already exceeds twelve per cent?*

Yes! (Holy Office, Aug. 5, 1896), under the following conditions:

1. That the strength of the mixture shall not exceed seventeen or eighteen per cent.

2. That the admixture be made when the fermentation is beginning to subside.

N.B. For further details, consult the Rubrics of the Missal.

SECTION I—BAPTISM

CHAPTER I

The Two Methods of Conferring Baptism

18. *How many modes of conferring Baptism are there?*

Two (Canon 737, § 2).

1. *Solemn*,—when it is administered with all the rites and ceremonies of the Church.

2. *Private*,—or not solemn, when those rites and ceremonies are lacking in whole or in part.

PRIVATE BAPTISM

19. *When may Private Baptism be given?*

In two cases: (Canon 759, §§ 1 and 2).

1. In danger of death.

2. When it is a question of conferring conditional Baptism on an adult heretic.

1. IN DANGER OF DEATH

20. *Who can baptize in danger of death?*

Anyone at all. However, the following order should be observed, if possible: the pastor, a priest, a deacon, a subdeacon, a cleric, a male, a female (Canon 742, §§ 1 and 2).

21. *Are there cases in which it would be preferable to have a woman baptize?*

Yes! In two cases (Canon 742, § 2).

1. When modesty demands it.

2. When the woman is better acquainted with the words and the manner of baptizing.

22. *May parents baptize their own child?*

No!, except in one case, when the child is in danger of death and there is no one else at hand to baptize it (Canon 742, § 3).

23. *What measures should be taken to insure the validity of Private Baptism?*

Pastors should give instructions on this subject to the faithful, especially to midwives, doctors, and surgeons (Canon 743).

24. *What rites are to be used in Private Baptism?*

They vary according to the character of him who administers the sacrament:

1. If he is neither priest nor deacon,—only what is required for the validity of the baptism.

2. If he is a priest or a deacon,— and if time permits,— also the ceremonies which follow the baptism properly so called.

25. *Is a sponsor required for Private Baptism?*

Yes!, if one can easily be obtained (Canon 762, § 2).

26. *What is to be done if the person who has received Private Baptism regains his health?*

As soon as possible, the ceremonies omitted should be supplied in the church itself (Canon 759, § 3).

27. *What is to be done if the supplying of the ceremonies has been neglected, and the baptized person is now preparing for Confirmation, First Communion, or Marriage?*

Unless there is some serious obstacle to prevent, the ceremonies must first be supplied; otherwise, the administration of those sacraments would be illicit (Holy Office, July 27, 1775, Sept. 8, 1869).

28. *Are the ceremonies then supplied to be taken from the Baptism of Infants, or from the Baptism of Adults?*

From the Baptism which the person in question has received (S. C. Rit., Aug. 27, 1836).

29. *Is a sponsor required for the supplying of the ceremonies? and who should it be?*

Yes!— The one who acted as sponsor at the Private Baptism; anyone at all, if the Private Baptism was administered without sponsors (Canon 763, § 2).

30. *Is there any spiritual relationship between the person who receives Private Baptism, and his sponsor?*

There is,— with the sponsor of the Private Baptism. But there is none with the sponsor for merely the supplying of the ceremonies (Canon 762, § 2).

31. *When and where, in case of extreme necessity, may Private Baptism be administered?*

Anywhere, and at any time (Canon 771).

32. *What measures should be taken so that it will be possible to prove that Private Baptism was really conferred?*

If possible, have two or three witnesses present (Canon 742, § 1).

2. CONDITIONAL PRIVATE BAPTISM OF ADULT HERETICS.

33. *Who can give permission to confer this sort of Private Baptism?*

The Bishop alone (Canon 759, § 2).

34. *In that case, are the ceremonies to be supplied in the church afterwards?*

No! (Canon 759, § 3).

SOLEMN BAPTISM

1. THE MINISTER OF SOLEMN BAPTISM

35. *As a general rule, who has the right to administer Solemn Baptism?*

Every priest is the ordinary minister of Solemn Baptism; every deacon, its extraordinary minister (Canon 738, § 1).

Nevertheless, the conferring of Solemn Baptism is reserved to the pastor of the person baptized, or to any other priest authorized by him or by the Bishop. This authorization is, however, to be presumed in case of necessity (Canon 738, § 1).

36. *Whose prerogative is it to confer Solemn Baptism on travellers?*

It is the prerogative of their own pastor, in the parish to which they belong, if return thither can be easily and speedily accomplished. If not, then any pastor, within the limits of his parish, can confer Solemn Baptism on the travellers (Canon 738, § 2).

37. *Can a pastor confer Solemn Baptism on his own parishioners within the limits of another parish?*

No!, unless he has the permission of the pastor of the place (Canon 739).

38. *When may a deacon administer Solemn Baptism?*

When he is authorized by the Bishop or the pastor, for a just cause, to be presumed in case of necessity (Canon 741).

2. THE TIME AND PLACE OF SOLEMN BAPTISM

39. *How soon should Solemn Baptism be conferred? On what days may it be given?*

1. As soon as possible (Canon 770).

2. On any day of the week (Canon 772).

40. *Where should Solemn Baptism be conferred?*

1. As a general rule,— in the baptistery (Canon 773), which every parish church should possess (Canon 774, § 1). The Bishop can permit or command the erection of a baptistery in another church or public oratory within the territory of the parish, for the convenience of the faithful (§ 2).

2. In exceptional cases,—:

A. If the person to be baptized cannot be brought to a church which has a baptismal font, without grave inconvenience or danger, the pastor should baptize him in the nearest church or public oratory within the parish limits (Canon 775).

- B. In quite extraordinary cases, the Bishop may permit the administration of Solemn Baptism in a private house. In this case, it should be given in the chapel of the house, or at least in a decent place; and Baptismal water should be used (Canon 776).

CHAPTER II

The Sponsors

41. *How many sponsors are required?*

One will suffice, even if of the opposite sex to the person baptized. And it is not allowed to have more than one godfather and one god-mother (Canon 764).

42. *Who has the right to select the sponsors?*

The person who is to be baptized; his parents or guardians; or, lastly, he who administers Baptism (Canon 765, § 4).

43. *What should the sponsors do at the moment when Baptism is being conferred?*

They should, either personally or by proxy, hold or touch the person baptized, or at least take him up out of the font, or receive him from the hands of him who administers the sacrament (Canon 765, § 5).

44. *Who are to be excluded from acting as sponsors?*

1. Those who have not the use of reason (Canon 765, No. 1).
2. Infidels; heretics; those who are excommunicated *nominatim*; those who are suffering from infamy of law; those who have been deprived of their lawful rights; deposed or degraded clerics (No. 2).
3. The father, mother, husband, or wife of the person to be baptized. (No. 3).

4. Those who have committed the public crime of adultery; those who have lived in public concubinage (either with or without civil marriage); or those who have been legally condemned for other sins against the sixth commandment (Canons 2357, § 2, and 2256, No. 2).

45. *Under what conditions may one licitly act as sponsor?*

1. The sponsor must be fourteen years old, unless, for some just reason, he who baptizes rules differently (Canon 766, § 1).
2. The sponsor must not have committed any public crime which entails excommunication, deprivation of rights, infamy, interdict, or other public stigma (Canon 766, No. 2).
3. The sponsor must know the rudiments of faith (No. 3).
4. The sponsor must not be a member of a religious congregation (either novice or professed); or in Sacred Orders, unless with the

express permission of his Superiors or of the Ordinary. So far as religious are concerned, there must, moreover, be some real necessity for their acting as sponsors. (Nos. 4 and 5).

46. *What is to be done if there is doubt as to whether a certain person may act as sponsor?*

Consult the Bishop, if time will allow (Canon 767).

47. *What spiritual relationship results from Baptism?*

A spiritual relationship is created between the person baptizing and the person baptized; between the godfather and his goddaughter; between the godmother and her godson (Canon 768). This constitutes a diriment impediment to marriage.

48. *What sort of a name must be given the person baptized?*

A Christian name. If the parents refuse their consent to this, he who baptizes should add to the name given by the family, the name of a saint; and the pastor should inscribe both names in the Baptismal Register (Canon 761).

CHAPTER III

Certain Special Cases

49. *What sort of persons have we in mind in this chapter?*

1. Infants who are in danger of death at birth.
2. *Abortus et monstra.*
3. Foundlings.
4. Children of non-Catholic parents.
5. Adults.
6. The insane.

N.B. The Code, in Canons 746-748, lays down the rules to be followed in the first two cases; it is merely the repetition of the rules contained in our Moral Theologies. There is no need of dwelling here upon those very exceptional cases.

FOUNDLINGS

50. *What is to be done in the case of foundlings?*

If, after diligent inquiry, we cannot be sure of their baptism, they should be baptized conditionally (Canon 749).

CHILDREN OF NON-CATHOLIC PARENTS

51. *Is it permitted to baptize, without the consent of their parents, the children of infidels, heretics, schismatics, or apostates?*

1. As a general rule,—No!

2. In one case only it may be permitted;— if the child is in danger of death, and if one is morally certain that it will die before reaching the age of reason (Canons 750, § 1, and 751).

52. *Under what conditions is it permitted to baptize such children outside of danger of death?*

Under two conditions (Canons 750, § 2, No. 1, and 751):

1. That at least one of the parents or guardians consent; (an equivalent condition presents itself if the child has no parents or guardians; or if the parents or guardians have lost their rights over the child, or find it impossible to exercise them).

2. That their Catholic education be provided for.

ADULTS

53. *What do we mean by an "adult" with reference to Baptism?*

Anyone who has the use of reason and can, of his own accord, ask for Baptism and be admitted thereto (Canon 745, § 2).

54. *What is required of an adult that he may be baptized?*

That he know that he is about to be baptized; that he desire it; that he be sufficiently instructed; and that he be sorry for his sins (Canon 752, § 1).

55. *What can be done for an unbaptized adult who is in danger of death?*
We must make a distinction:

1. If he asks for Baptism,— and manifests in any way his intention to live as a Christian, he should be baptized absolutely (unconditionally) (Canon 752, § 2).

2. If he cannot manifest such a desire, but if his past life indicates some probability of his intention to become a Christian, he should be baptized conditionally (Canon 752, § 3).

56. *Who has the right to authorize the baptism of an adult outside of danger of death?*

The Bishop (Canon 744).

57. *What special rules are to be observed in the baptism of an adult?*

1. It is fitting that both the priest and the person to be baptized be fasting (Canon 753, § 1).

2. Unless it entails serious inconvenience, the newly-baptized adult should at once assist at Mass and receive Holy Communion (Canon 753, § 2).

3. The special ceremonies of the Ritual must be followed, unless the Bishop has authorized the use of the Form for the Baptism of Infants (Canon 755).

4. The baptism of adults should preferably take place on the vigil of Easter or the vigil of Pentecost (Canon 772).

THE INSANE

58. *Is it permitted to baptize adults who have not the use of reason?*

We must distinguish (Canon 754):

1. If they have never had the use of reason,— Yes!, in the same manner as infants.
2. If they have lucid intervals,—:
 - A. During these intervals,— Yes!, if they then give their consent.
 - B. In danger of death,— Yes!, if they manifested any desire for Baptism before losing the use of reason.

CHAPTER IV

Conditional Baptism

59. *When is Baptism to be given conditionally?*

When there is doubt:

1. As to whether the baptism, given *hic et nunc* for the first time, will be valid.

2. As to whether a previous baptism was valid.

60. *In what cases is there room for doubt as to whether the baptism, given *hic et nunc* for the first time, will be valid?*

1. When a child, at birth, is in danger of death, and cannot be baptized on the head (Canon 746, §§ 3 and 5).

2. When there is doubt as to whether the child is dead or alive (Canons 746, § 4, and 747).

3. When there is doubt as to whether the subject is a human being (Canon 748).

4. When it is not certain that an adult, who is in danger of death and cannot manifest his wishes, would ask for Baptism if he could (Canon 752, § 3).

61. *In what cases, chiefly, is there room for doubt as to whether a previous Baptism was valid?*

1. When a child was baptized on a member other than the head (Canon 743, § 3).

2. When, after diligent inquiry, we cannot be sure that a foundling was ever baptized (Canon 749).

3. When an adult in danger of death was baptized conditionally, without having positively manifested a desire for Baptism, and afterwards regains his health (Canon 752, § 3).

4. When a heretic enters the bosom of the Church, if he belonged to a sect whose Baptism is doubtful.

62. *What ceremonies are to be performed in Conditional Baptism?*

When Baptism is given again conditionally, we must supply the ceremonies omitted in the previous Baptism. We may repeat, or omit, as we please, those that were performed in the previous Baptism (Canon 760).

If the Ordinary permit, we may confer Private Baptism on an adult heretic who is now being baptized conditionally (Canon 759, § 2).

63. *Is a sponsor required for Conditional Baptism?*

Yes! if the sponsor of the previous Baptism is at hand. Otherwise, no sponsor is necessary (Canon 763, § 1).

64. *Is there any spiritual relationship between the sponsor and his godchild in a Conditional Baptism?*

No!, except in the case when the same person is sponsor at both Baptisms (Canon 763, § 2).

CHAPTER V

The Ceremonies of Baptism

65. *Is it permitted, for convenience' sake, to baptize several children at the same time?*

Yes! (Ritual).

66. *Is it permitted to say each prayer just once for all those who are being baptized?*

The Rubric of the New Ritual for 1913 gives the indication before each prayer and ceremony. It says: "*Sacerdos dicit: singulariter singulis,*" or "*Sacerdos dicit: in plurali pro omnibus.*"

CHAPTER VI

The Recording of Baptisms

67. *What is to be written down in the Baptismal Register?*

The names of those who are baptized, of him who administers the Baptism, of the parents, and of the sponsors; also the place and date of the Baptism (Canon 777, § 1).

68. *Should the names of the parents of illegitimate children be inscribed in the Baptismal Register?*

We must distinguish:

1. As to the mother,— Yes!, if her maternity is public, or if she spontaneously demands it in writing or in the presence of two witnesses.

2. As to the father,— Yes!, provided he spontaneously demands it of the pastor in writing or in the presence of two witnesses; or if he is

recognized as the father in some authentic public document (as, for instance, in the case of civil marriage).

3. In other cases,—record the child as born of parents unknown.

N.B. In making entries of this sort, care must always be taken to avoid everything that might be the occasion of infamy. *Quoad vero adulterinos, sacrilegos, ceterosque spurios*, recourse is to be had, in each case, to the Sacred Congregation of the Council (Pontifical Commission for the Authentic Interpretation of the Code, July 14, 1922).

69. *Who is to have custody of the Baptismal Register?*

The pastor (Canon 777, § 1).

70. *What is to be done if Baptism was administered by someone other than the pastor of the person baptized?*

He who administered the sacrament must notify the pastor of the domicile of the person baptized (Canon 778).

71. *In what form is proof of Baptism to be furnished?*

So far as possible, by a certified copy of the entry in the Baptismal Register. If that is not possible, the testimony of one qualified witness will suffice; or even, in case the baptized person was an adult at the time of his baptism, his own oath will suffice (Canon 779).

SECTION II—CONFIRMATION

72. *What are the duties of the pastor with reference to the Sacrament of Confirmation?*

1. He must see that his parishioners receive it at the proper time (Canon 787).

2. He must see that those to be confirmed are properly instructed, and well disposed (Canon 786).

73. *At what age should Confirmation be received?*

According to Canon 778:

1. As a general rule,—in the Latin Church, not before the age of seven.

2. It may be received sooner in the following cases:—

A. If the child is in danger of death.

B. If the Bishop permits, for good and sufficient reasons.

74. *What persons may the Bishop confirm?*

According to Canon 783:

1. His own subjects,—anywhere.

2. Strangers,—within the limits of his diocese, unless their own Ordinary expressly forbid it.

75. *Where should Confirmation be given?*

According to Canon 791:

1. As a general rule,— in the church.
2. For any good and sufficient reason,— in any decent place.

76. *What are the rites essential to Confirmation?*

The imposition of hands, the anointing with Holy Chrism on the forehead, and the words prescribed by the Pontifical (Canon 780).

77. *What precautions should be taken so that all the confirmandi may validly receive the sacrament?*

Care should be taken to see that they are all present at the first imposition of hands, and that they do not leave the church before the final blessing by the Bishop (Canon 789).

78. *Is a sponsor required for Confirmation?*

Yes! if one can be had (Canon 793).

79. *How many sponsors should there be?*

There should be one sponsor for every one or two *confirmandi*, unless the Bishop, for good and sufficient reasons, sees fit to permit a sponsor to act for a larger number (Canon 794).

80. *What qualifications are required in a sponsor?*

1. He must himself be already confirmed.
2. He must not be "unworthy" (as for Baptism).
3. He must not be father, mother, husband, or wife of the *confirmandus*.

4. He must physically touch the person being confirmed (either personally or by proxy).

5. He must not be the Baptismal sponsor of the *confirmandus*, unless the Bishop, for good and sufficient reasons, permits this; or unless Confirmation is conferred immediately after Baptism.

6. He must be of the same sex as the person confirmed (unless there are, in particular cases, good and sufficient reasons for the contrary).

81. *Is there spiritual relationship between the person confirmed and his sponsor in Confirmation?*

Yes! (Canon 797). But it does not constitute a matrimonial impediment (Canon 1079).

82. *What measures should be taken so that there may be proof available of the reception of Confirmation by the faithful?*

The pastor should:

1. Inscribe in a special Register the name of the Bishop, of the person confirmed, of his parents, and of his sponsor; also the place and date of the ceremony (Canon 798).

2. He should make a note of the Confirmation on the margin of the Baptismal record of the person confirmed.

83. *What is to be done if the pastor of the person confirmed is not present?*

He should be notified of the confirmation at once (Canon 799).

84. *How is proof of a person's Confirmation to be furnished?*

Provided no damage ensues to anyone else, the testimony of one trustworthy witness will suffice, or even the oath of the confirmed person himself (Canon 800).

SECTION III—THE HOLY EUCHARIST

Questions to be considered:

1. Ordinary Communion.
2. First Communion.
3. Solemn Communion.
4. Easter Communion.
5. Communion of the Sick.

CHAPTER I

Ordinary Communion

85. *Who is the minister of the sacrament of Holy Eucharist?*

According to Canon 845:

1. The ordinary minister,— is the priest alone.
2. The extraordinary minister,— is the deacon, with the permission of the Bishop or the pastor, which should be given for a serious reason, and which is to be presumed in case of necessity.

86. *Can every priest licitly give Holy Communion?*

1. Before, during, or after his Mass,— Yes! (Canon 846, § 1).
2. Outside of the time of Mass,— Yes! with the authorization (at least presumed) of the pastor (Canon 846, § 2).

87. *What persons are to be refused Holy Communion?*

1. Public sinners,— if their conversion is not evident, and if they have not made atonement for their public scandal (Canon 855, § 1).
2. Occult sinners,— who ask for Communion in an occult manner, if the minister knows that they have not repented. Not, however, if they ask for Communion publicly, and if they cannot be passed by without scandal (§ 2).

88. *When may Holy Communion be given?*

1. As a general rule,— unless some just cause¹ intervenes, only during the hours when it is permitted to say Mass (Canon 867, § 4).

For instance, a just cause for giving Holy Communion after midnight would be the occasion of a nocturnal adoration.

That is, at the very earliest, an hour before sunrise, and at the very latest, an hour after noon (Canon 821, § 2).

2. On Good Friday,—only in the form of Viaticum (Canon 867, § 2).

3. On Holy Saturday,—only during the Mass, or immediately afterwards (Canon 867, § 3).

89. *Is it allowed to receive Holy Communion more than once the same day?*

No!, outside of two cases (Canon 857):

1. If, after having received Holy Communion while in good health, one afterwards falls into the danger of death.

2. If it is necessary, in order to prevent the profanation of the Blessed Sacrament.

90. *Where may Holy Communion be given?*

1. As a general rule,—wherever it is permitted to say Mass, even in a private oratory, unless the Bishop forbids it for good and sufficient reasons in particular cases (Canon 869).

2. During the Mass,—the celebrant is not permitted to give Communion to those who are so far away that they cannot see the altar (Canon 868).

91. *What rite is to be followed in receiving Communion?*

1. For Communion of devotion,—it matters not which rite is followed (Canon 866, § 1).

2. For the Easter Communion,—the faithful are urged to follow the rite to which they belong (§ 2).

3. For Viaticum,—unless in case of urgent necessity, one should follow the rite to which he belongs (§ 3).

92. *Is it allowed to receive Communion when not fasting from midnight?*

We must distinguish (Canon 858):

1. As a general rule,—No!

2. There are three exceptions:—

A. In danger of death (see page 35).

B. To prevent the danger of profanation of the Blessed Sacrament.

C. If one has been sick abed for a month, without a certain prospect of speedy recovery (see page 37).

93. *Is it allowed to receive Holy Communion when one is guilty of mortal sin, for which one repents, but which one has not confessed?*

We must distinguish (Canon 856):

1. As a general rule,—No!

2. Exception:—one may receive Communion in such circumstances, after first making an act of contrition, if it is necessary to receive Communion and if there is no confessor at hand.

CHAPTER II

First Communion

94. *What children are not allowed to receive Communion?*

Those who, because of their tender age, have not as yet knowledge of, nor desire for this Sacrament (Canon 854, § 2).

95. *What children should be admitted to Holy Communion?*

1. In danger of death,—those who can distinguish the body of Christ from ordinary bread, and accord it respect and adoration (Canon 854, § 2).

2. Outside the danger of death,—fuller knowledge of Christian doctrine and more careful preparation are rightly required; that is, the children must, in accordance with their ability, understand at least those mysteries which are necessary for salvation "*necessitate medii*," and must approach the Holy Eucharist with the devotion that befits their tender age (Canon 854, § 2).

96. *At what age may a child be prepared for Communion?*

As soon as he reaches the age of reason (Canons 854, § 5, and 859, § 1).

97. *Who has the right to decide when a child is ready for Communion?*

First, the confessor; after him, the parents, or those who occupy their place (Canon 854, § 4).

98. *What is the duty of the pastor regarding the Communion of children?*

It is twofold:

1. To see (by means of an examination, if, in his judgment, it is advisable) that the children do not approach the Holy Table before they have the use of reason, or without the proper dispositions.

2. To see that the children who have reached the age of reason and have the proper dispositions, receive Communion as early as possible (*quamprimum*).

CHAPTER III

Solemn Communion

The conditions under which children shall be admitted to Solemn Communion, are determined by the Statutes and Regulations of each particular diocese.

CHAPTER IV

Easter Communion

99. *Who are bound by the precept of Easter Communion?*

All the faithful who have reached the age of discretion, unless, by the advice of their pastor, they consider that they have a just reason for refraining from receiving Communion for some additional period (Canon 859, § 1).

100. *Where should one's Easter Communion be made?*

The faithful should be urged to make their Easter duty in their own parish (Canon 859, § 3).

101. *What should the Christian do who makes his Easter duty in another church than his own?*

He should take care to notify his pastor of the fact (Canon 859, § 3).

102. *What is the time for making the Easter duty?*

1. As a general rule,— from Palm Sunday to Quasimodo Sunday.

2. The Bishops can, if the circumstances of their people or their diocese demand it, advance the beginning of the Easter season to the 4th Sunday of Lent, or delay the end of the season to Trinity Sunday. They may even secure Indults authorizing them to make an even greater extension of the Paschal season. (In the United States, the time for making the Easter Communion extends from the 1st Sunday of Lent to Trinity Sunday).¹

103. *If one has allowed the whole Easter season to pass without making his Easter duty, is he bound to receive Communion at some other time during the year?*

Yes! (Canon 859, § 4).

104. *Does one comply with his Easter duty by making a sacrilegious Communion?*

No! (Canon 861).

105. *Whose duty is it to see that the children (impuberes) make their Easter duty?*

It is the duty of those who have charge of the children (parents, guardians, confessors, teachers, and lastly, the pastor) (Canon 860).

106. *According to what rite should the Easter Communion be made?*

It is to be desired that everyone will make his Easter Communion according to the rite to which he belongs (Canon 866, § 2).

CHAPTER V

Communion of the Sick

In this matter, it is very important to make the proper distinction between those who are, and those who are not in danger of death!

THOSE WHO ARE IN DANGER OF DEATH

107. *Are the faithful obliged to receive Communion when in danger of death?*

Yes!, no matter how this danger of death may arise (Canon 864, § 1).

¹ Bishops can secure indults authorizing them to make still further anticipation or prorogation of the time for the Easter Communion.

108. *How soon should Holy Viaticum be given to the sick?*

It should not be delayed too long. Those who have the care of souls should see that the sick receive Viaticum while they have full possession of their senses (Canon 865).

109. *Should Holy Viaticum be given to children?*

Yes!, if they can distinguish the Body of Christ from common food, and accord it respect and adoration (Canon 854, § 2).

110. *May one receive Holy Viaticum, even if one has received Holy Communion earlier that same day?*

Yes!, if he becomes dangerously ill (unto death) (Canons 857, 858, § 1, and 864, § 2).

111. *Is it allowed, while the danger of death persists, to receive Holy Viaticum more than once, when not fasting?*

Yes! with the consent of a prudent confessor, but not on the same day (Canon 864, § 3).

112. *Whose prerogative is it to bring Holy Viaticum to the sick?*

1. As a general rule,—it is the prerogative of the pastor of the place (Canon 850). But any other priest may do so, in case of necessity, or with the permission (at least presumed) of the pastor or the Ordinary (Canons 848–849).

2. There are several exceptions:

A. In every religious order of clerics,—the Superior may do this. (This applies to every person staying, day or night, for any reasons whatsoever, in the house (Canon 514, § 1).

B. In religious houses (of nuns),—it is the Ordinary Confessor, or his substitute (Canon 514, § 2).

C. In all lay religious orders,—it is the pastor, or the chaplain appointed by the Bishop (Canon 514, § 3).

113. *How should Holy Viaticum be carried to the sick?*

Publicly, unless there is a just reason for acting otherwise (Canon 847).

114. *When may Holy Viaticum be brought to the sick?*

At any hour of the day or night (Canon 867, § 5), even on Good Friday (§ 2).

115. *According to what rite should Holy Viaticum be received?*

According to the rite to which the sick person belongs, except in case of necessity, when the use of any rite is permitted (Canon 866, § 3).

THOSE WHO ARE NOT IN DANGER OF DEATH

116. *May sick people, who cannot come to the church, receive Communion every day like other people, if they are fasting?*

Yes! (Decree of Dec. 20, 1905, on Frequent Communion; no restriction regarding the sick).

117. *May the sick who are not in danger of death, receive Communion when not fasting? and under what conditions?*

Yes! once or twice a week, with the consent of a prudent confessor,¹ (Canon 858, § 2), under the following conditions:

1. They must have been confined to their bed² for a month, without a certain prospect of speedy recovery.³
2. They must have taken nothing since midnight but medicine or liquid food;⁴ all solid food is forbidden.

SECTION IV—PENANCE

Questions to be considered:

1. Jurisdiction of the Confessor.
2. Rights and Duties of the Penitent.
3. Place of Confession.
4. Duties of the Confessor.
5. Sigillum of Confession.
6. Reservation of Sins.

CHAPTER I

The Jurisdiction of the Confessor

118. *What jurisdiction is necessary for the valid absolution of sins?*

It may be:

1. Ordinary,—(the Sovereign Pontiff and the Cardinals for the whole Church; the Bishop, the Vicar General, and the Canon Penitentiary for the diocese; the pastor and those who discharge the duties of the pastor for the parish) (Canon 873).

¹This Canon is broader than the Decree of the Sacred Congregation of the Council of Dec. 7, 1906, which, in this case, permitted only two Communions a week to sick persons residing in a house where Mass is celebrated. Others were accorded the privilege only twice a month.

²According to a reply of the S. C. Conc. of March 6, 1907, this permission includes sick people who cannot lie abed, and also those who get up for a few hours every day. It would seem that it might also be extended to include those who, during the fine part of the day, have strength enough to get to their doorway, or even into the garden.

On the contrary, however, this privilege cannot be accorded to sick people who can attend fairly well to their ordinary business.

³That is, when the sick person will probably be in a state of convalescence within a week.

⁴According to a decree of the Holy Office, Sept. 7, 1897, the sick person may, without disturbing his conscience, swallow everything that is given as a drink, milk, soup, meat-broth, and even liquids which hold in suspension (provided they are not in great quantity) substances such as vermicelli, rice, bread-crumbs, or beaten-up eggs. As for medicine, the Code makes no distinction between "liquid" and "solid"; and hence we, too, need make no distinction.

2. Delegated,— (those to whom the Ordinary has given this power (Canon 874), within the precise limits laid down by the Bishop) (Canon 878).

119. *How is jurisdiction to hear confessions imparted?*

It must be given explicitly, either orally or in writing (Canon 879).

120. *Can a priest who possesses jurisdiction, either delegate his power to hear confession to other priests, or extend their powers of absolving beyond their normal limitations as to places or persons?*

No! In both these cases, authorization or a special mandate from the Bishop is required (Pontifical Commission for the Interpretation of Canon Law, Oct. 13, 1919, No. 3).

121. *What penalty would be incurred by a priest who would presume to hear sacramental confession without jurisdiction?*

According to Canon 2366, *ipso facto suspensio a divinis*.

122. *What penalty would be incurred by a priest authorized to hear confessions, who would exceed the limit of his powers as to reserved cases?*

1. If he presumed to absolve from an excommunication *latae sententiae* reserved *specialissimo modo* or even *specialiter* to the Sovereign Pontiff, he would incur *ipso facto* an excommunication reserved *simpliciter* to the Sovereign Pontiff (Canon 2338, § 1).

2. If he absolved from cases reserved *simpliciter* to the Sovereign Pontiff, or from cases which the Bishop of the diocese has reserved to himself, he would incur *ipso facto* a suspension which would prevent him from hearing confessions (Canon 2366).

123. *Is special jurisdiction necessary to hear the confessions of Sisters or novices?*

Yes! It belongs to the Ordinary of the place to give such jurisdiction (Canon 876).

124. *Is it ever permitted to hear the confessions of nuns or novices without such special jurisdiction?*

Yes! in three cases:

1. In danger of death (General law; Canon 882).
2. Outside the danger of death,— any priest authorized to hear the confessions of women in a certain locality, can, validly and licitly, hear the confessions of those nuns and novices:
 - A. who come to him for confession in a church or in an oratory (even semi-public), (Canon 522), or in any other place lawfully used for the confessions of women (Pont. Com. for the Int. of Can. Law, Nov. 24, 1920);
 - B. who, when seriously ill, even tho not in danger of death, have him summoned for the purpose of hearing their confessions (Canon 523).

125. *Can a priest who has authority to hear confessions in a certain territory, give absolution within that territory to travellers and strangers?*

Yes!, to all without exception who come to him to confession (Canon 881, § 1).

126. *Can a priest who has ordinary power to absolve, give absolution to his subjects (for instance, pastor and parishioners), everywhere?*

Yes!, (Canon 881, § 2).

127. *Have priests who are travelling by sea ampler powers?*

Yes! Provided they have been authorized for the hearing of confessions by their own Bishop, or by the Bishop of the port where they embarked, or by the Bishop of any port at which their ship may touch, they may absolve the passengers on their own boat, and also the penitents who may come to make their confessions either on board the ship or in the port at which they stop (Canon 883).

127a. *What are the conditions under which a priest is permitted to hear confessions in a port at which his ship calls?*

He may, in any church or chapel, hear the confessions of all who come to him; and he may absolve them even from cases reserved to the Ordinary of the place. He has this power for the space of two or three days, during the time that his ship stops at the port, or during the time that he is compelled to wait in the port for the ship on which he is to continue his voyage. He must not use this power for more than three days, if he can easily have recourse to the Ordinary of the place (Pont. Com. for the interpretation of the Canons of the Code, May 20, 1923).

128. *Have priests special faculties to absolve the dying?*

Any priest, even tho not approved for confessions, can absolve any penitent in danger of death from any sin or any censure,¹ even in the presence of a priest who is approved for confessions (Canon 882).

Nevertheless, "*absolutio complicitis in peccato turpi, etiam in periculo mortis, extra casum necessitatis, est ex parte confessarii illicita*" (Canon 884). And "*absolvens vel fingens absolvere complicem in peccato turpi, etiam in mortis articulo, si alius sacerdos, licet non approbatus ad confessiones, sine gravi aliqua exortura infamia et scandalo, possit excipere morientis confessionem, excepto casu quo moribundus recuset alii confiteri,*" would incur an excommunication reserved *specialissimo modo* to the Sovereign Pontiff (Canon 2367, § 1).

129. *How may a priest lose jurisdiction for hearing confessions?*

¹ In this case, if the dying person recovers his health, recourse must be had to the Superior (Canon 2252). See further on, the paragraph relating to censures.

1. By the loss of the charge to which ordinary jurisdiction is attached (Canon 873, § 3). That is, in the terms of Canon 183, § 1, by demission, by privation, by displacement, or by transfer.

2. By the sentence of an ecclesiastical tribunal inflicting these penalties on the offender; by a public statement made by the Ordinary notifying the faithful that the delinquent has actually incurred them; by excommunication; by suspension from his charge; or by interdict (Canon 873, § 3).

3. By the withdrawal of the power to absolve, even from him who possesses ordinary jurisdiction (Canon 880).

4. By the expiration of the time specified, in cases where the authorization was given for a certain limited time.

130. *If, thru inadvertence, a priest absolves a penitent after the expiration of his authority, or beyond the number of cases for which he received special delegation, is his absolution valid?*

Yes! (Canon 207, § 2).

131. *When there is error or doubt concerning the jurisdiction of a confessor, are his absolutions valid?*

In this case, the Church supplies jurisdiction; but only if the error is *communis*,¹ or if the doubt is positive and includes the probability of jurisdiction (Canon 209).

CHAPTER II

Rights and Duties of the Penitent

132. *Has the penitent the right to select his own confessor?*

Yes, provided the confessor has jurisdiction,—even if he belongs to another rite (Canon 905).

133. *In default of other means, may the penitent make his confession by means of an interpreter?*

Yes! (Canon 903). But the interpreter is strictly bound to observe the secrecy of the confessional (Canon 889, No. 2).

134. *At what age are we bound to go to confession?*

As soon as we reach the age of reason, at least once during the year (Canon 906).

135. *Is the precept of annual confession satisfied by a sacrilegious or voluntarily null confession?*

No! (Canon 907).

¹ According to a wider interpretation, there is "*error communis*", no matter what the number of persons in error, when any other person, in the same circumstances of fact, would have thought or judged the same.

CHAPTER III

The Place of Confession

136. *Where may confessions be heard?*

1. As a general rule,— either in a church or in a public or a semi-public oratory (Canon 908).

2. It is permitted to hear the confessions of men in private houses (Canon 910, § 2).

137. *What sort of a confessional must be used for the confessions of women?*

1. It must be in an accessible and conspicuous place, generally in a church, or in a public oratory, or in a private oratory for the use of women (Canon 909, § 1).

2. It must be provided with a stationary screen of fine mesh (Canon 909, § 2).

138. *Is it permitted to use confessionals without screens for the confessions of men in churches or public chapels?*

No! All churches and public chapels must be provided with screens of this nature (Pont. Com. for the Int. of the Code, Nov. 24, 1920).

139. *Is it ever allowed to hear the confessions of women outside the confessional?*

Only in case of infirmity or other genuine necessity; and then such precautions must be taken as the Ordinary of the place may deem advisable (Canon 910, § 1).

CHAPTER IV

The Duties of the Confessor

140. *Is it necessary that the confessor recite the prayers which the Church has added to the formula of absolution?*

Altho they are not strictly necessary for absolution, it is not permitted to omit them without a just reason (Canon 885).

141. *On whom does the obligation of hearing confessions rest?*

1. Whenever the faithful reasonably demand an opportunity of going to confession, pastors and all who have the care of souls are strictly bound in justice to hear them, either personally or by means of others (Canon 892, § 1).

2. In case of urgent necessity, all who have the power to hear confessions are bound in charity to do so (§ 2).

3. In danger of death, every priest is bound in charity to do so (§ 2).

142. *What is the rôle of the priest in the tribunal of Penance?*

It is twofold:

1. He is a Judge, the minister of the justice of God, and the defender of his glory.

2. He is a Physician, the minister of the mercy of God, and of the salvation of souls.

143. *What rule is to be followed in questioning penitents?*

As a general rule,— the confessor should refrain from inquisitive or useless questions, especially with regard to all that pertains to the sixth commandment (Canon 888, § 2).

144. *Is it ever permitted to ask the penitent for the names of his "complices?"*

Never! (Canon 888, § 2).

145. *Must the confessor sometimes compel the penitent to denounce an offender?*

1. Yes! "*Debet poenitens sacerdotem, reum delicti sollicitationis in confessione, intra mensem denunciare loci Ordinario vel S. S. Sancti Officii, et confessarius debet graviter onerata ejus conscientia, de hoc onere poenitentem monere.*"¹ (Canon 904).

2. There is an obligation of denouncing an offender, whenever this denunciation is demanded either by the Canon Law (1), or by some special legitimate ordinance, or by the natural law because of danger to faith and religion, or by any other imminent menace to public welfare (Canon 1935, § 2).

(1). Thus, Canon 2235, § 2, imposes the obligation of denouncing clerics or religious who become members of anti-Christian, Masonic, or similar organizations.

146. *What rules are to be followed as to granting, refusing, or postponing absolution?*

The rules of Moral Theology; neither inflexible severity, nor excessive indulgence. If there is no reasonable cause for suspecting the dispositions of the penitent, and he asks for absolution, the confessor is not allowed to refuse or postpone it (Canon 886).

147. *What sort of penance should be imposed on the penitent?*

Due regard should be had to the number and kind of his sins, and his condition of life, so that the penance may be beneficial to him. The confessor should also see that the penitent freely agrees to perform the penance (Canon 887).

¹ The Catholic who, knowingly, omits making this denunciation within the time mentioned, incurs *ipso facto* a non-reserved excommunication, from which he cannot be absolved except after having satisfied this obligation, or honestly and earnestly promised to satisfy it (Canon 2368, Number 2).

CHAPTER V

The Sigillum of Confession

148. *What sort of secrecy should be observed concerning sins told in confession?*

The most absolute. The confessor must take care not to violate it either by word, or gesture, or tone of voice, or in any other way. No reason whatsoever can dispense him from this obligation (Canon 889).

149. *Who are bound by this obligation of secrecy?*

The confessor, the interpreter, and all those who have acquired, in any manner whatsoever, any knowledge of the matter of confession (Canon 889).

150. *How far-reaching is this obligation of secrecy?*

1. The confessor is absolutely forbidden to make the slightest use of what he has heard in confession, if by so doing confession be made onerous to the penitent (*cum gravamine poenitentis*), even if there is no reason to fear a downright violation of the sigillum (Canon 890, § 1).

2. Superiors, or confessors who afterwards become superiors, have no right to make use of the knowledge they have received of sins in confession, for the external government of their house (Canon 890, § 2).

151. *Has not the Church, in her anxiety to safeguard the sincerity of the penitent and avoid even the appearance of violating the sigillum, made special rules for communities?*

Yes! The Master of Novices and his Assistant, the Superior of a Seminary or College, are forbidden to hear the confessions of their subjects who dwell in the same house with them, unless these latter spontaneously demand it, for a serious and urgent reason, and in individual cases (Canon 891).

152. *What penalty would be incurred by one who violated the seal of the confessional?*

1. The confessor who would presume to directly violate the seal of the confessional, would incur an excommunication reserved *specialissimo modo* to the Sovereign Pontiff (Canon 2369, § 1).

2. The confessor who would do this indirectly, would be suspended from the celebration of Mass and the hearing of sacramental confessions (Id., § 1).

3. Any person who had knowledge of the matter of confession, and divulged it, would incur penalties proportioned to his culpability, penalties which might even attain the seriousness of excommunication (Id., § 2).

153. *Are we allowed to talk of what we have heard in confession, if we protect the seal of the confessional, that is, if we avoid what might enable others to recognize or even suspect the identity of the penitent?*

No! neither in private conversation, nor in public discourse, even with the intent to give edification. One case alone is excepted, when, for instance, it is necessary to consult someone else to solve a case of conscience; and then all precautions required by theologians must be taken not to break the sigillum (Holy Office, June 9, 1915).

CHAPTER VI

The Reservation of Sins

Questions to consider:

1. Sins reserved without censure.
2. Sins to which is attached a reserved censure.
3. Sins to which is attached a non-reserved censure.

SINS RESERVED WITHOUT CENSURE

154. *Which are the sins that are reserved without censure?*

1. There is only one of this class that is reserved to the Holy See, namely: "*Falsa delatio qua sacerdos innocens accusatur de crimine sollicitationis apud iudices ecclesiasticos*" (Canon 804).

2. Canons 805-800 lay down the rules to be applied by the Ordinaries regarding sins, the absolution of which they reserve to themselves (motives, rarity, promulgation, delegation of power to absolve, dispensation from the reservation).

155. *How is absolution to be obtained from sins reserved without censure?*

1. The general rule,—(see below, under "Absolution from Censures").

2. Certain special regulations for sins reserved without censure by the Ordinary (Canons 800, § 3, and 900).

SINS RESERVED WITH CENSURE¹

1. Conditions required that a sin may be reserved with censure.
2. Enumeration of the sins to which a reserved censure is attached.
3. Absolution of reserved censures.

¹ If this accusation is made against a *confessor*, those who are guilty of making it incur an excommunication reserved *specialiter* to the Sovereign Pontiff (Canon 2308).

² There is no need of giving here all the canonical legislation concerning crimes and punishments. This is given in Book V of the New Code (Canons 2195-2414).

I. CONDITIONS REQUIRED THAT A SIN MAY BE RESERVED WITH CENSURE

156. Can a sin to which a reserved censure is attached, remain reserved if the censure is remitted or absolved?

No! (Canon 2246, § 3).

157. Under what conditions is censure attached to a sin?

The sin must be at one and the same time:

1. Certain (Canon 2233).

2. External.

3. Grievous.

4. Complete.

5. Contumacious (Canon 2242, § 1).

6. Committed by a baptized person (Canon 2241).

7. Committed by a baptized person who has reached the age of puberty¹ (Canon 2230).

158. When is a person contumacious?

1. As a general rule,— when he shows no regard for the authority of the Church, knowing perfectly well that he is violating her laws.

2. In particular,— (Canon 2242, § 1):

A. When it is a question of censures *ferendae sententiae*,— if, notwithstanding the admonitions of authority (Canon 2233, § 2), he persists in committing the sin affected by censure, or if he refuses to do penance for it and make atonement.

B. To incur a censure *latae sententiae*,— it is enough to violate a law or precept to which a censure is attached, unless a legitimate cause excuse.

159. When does a person cease to be contumacious?

When, in the judgment of him from whom absolution from the censure is asked, the sinner is truly repentant for his offense, and makes atonement for it, or at least makes an honest promise to atone for it (Canon 2242, § 3).

160. Does ignorance excuse from censure?

We must distinguish:

1. Invincible ignorance (which is in no wise culpable) blots out both the sin and the censure.

¹ According to Canon 22, § 2, the age of puberty is 14 years past for boys, and 12 years past for girls.

The second part of Canon 2230 states that the penalty (and hence the censure, too) is incurred, *pœnitentia*, by "puberes" who have efficaciously induced "impuberes" to commit the sin, or have shared in it.

² According to the terms of Canon 2202, § 3, what is said of ignorance, must apply also to inavertence and error. (Recall here the distinction between the various kinds of ignorance: *invincibilis, affectata, crassa, supina, simpliciter vincibilis*.)

2. *Ignorantia affectata*, either of the law or of the penalty (being directly willed), does not excuse in any case from penalties *latae sententiae* (Canon 2229, § 1).

3. *Ignorantia crassa* or *supina* (as in the case of one who has made no effort or hardly any effort to enlighten his ignorance), does not excuse from censures *latae sententiae*, unless, indeed, the law contains a formula which demands full knowledge for the incurring of the censure, such as: "*præsumpserit, ausus fuerit, scienter, studiose, temerarie, consulte egerit*", or other formulas of similar import (Canon 2229, § 2, § 3, No. 1).

4. *Ignorantia simpliciter vincibilis* (as in the case of one who has made some effort, albeit insufficient, to dispel his ignorance), always excuses from censures *latae sententiae* (Canon 2229, § 3, No. 1).

161. *Do drunkenness, want of attention, weakness of intellect, or passion, excuse from censures?*

We must distinguish:

1. If the law demands full deliberation for the incurring of the censure (see above the formulas which indicate this),— Yes!¹ (Canon 2229, § 2).

2. If the law does not contain such a formula,—

A. Yes!, if, because of the lessening of imputability,² the act is no longer grievously sinful.

B. No!, so far as censures *latae sententiae* are concerned, if, notwithstanding the lessening of imputability, the act still remains grievously sinful.

162. *Does habitual insanity excuse from censure?*

Yes! Even tho the insane may have certain lucid moments, or appear sane regarding certain ideas or acts, they are presumed to be incapable of sin (Canon 2201, § 2).

163. *Does physical violence excuse from censure?*

Yes!, because it totally excludes sin (Canon 2205, § 1).

164. *Does fear³ excuse from censure?*

We must distinguish:

1. If the law demands full liberty for the incurring of the censure (the same formulas as for ignorance),— Yes! (Canon 2229, § 2).

¹ It would seem that drunkenness deliberately intended in order to facilitate or excuse the sin (Canon 2201, § 3), lack of advertence in spite of prevision of the subsequent sin (Canon 2203, § 1), passion deliberately excited and entertained (Canon 2203, § 1),—it would seem that all these are in the same class with *ignorantia affectata*, which never excuses from censure. Canon 2229 does not say this, however, and in this matter we must abide by the text.

² The Code (Canons 2197–2208) repeats the principles of Moral Theology concerning imputability.

³ According to Canon 2205, § 2, necessity and serious inconvenience may be put in the same class with fear.

2. If the law does not contain these formulas,—:
 - A. Slight fear does not excuse from either the sin or the censure.
 - B. Grave fear (even that which is only relatively grave) excuses from censures resulting from laws which are purely ecclesiastical (Canon 2205, § 2), but not from censures *latae sententiae*, if the act which incurs the censure is intrinsically evil, is in contempt of the faith or of ecclesiastical authority, or constitutes a public danger to souls (Canons 2205, § 3, and 2229, § 3, No. 3).

165. *Is a traveller subject to the reservations of the places he visits?*

Yes! (Pont. Com. for the Int. of the Code, Nov. 24, 1920).

2. LIST OF SINS TO WHICH A RESERVED CENSURE IS ATTACHED¹

There are two classes:

1. Cases which are reserved to the Sovereign Pontiff.
2. Cases which are reserved to the Bishop.²

CASES WHICH ARE RESERVED TO THE SOVEREIGN PONTIFF (WITH CENSURE)

These are of three degrees:

1. *Specialissimo modo*.
2. *Speciali modo*.
3. *Simpliciter* (Canon 2245, § 3).

FIRST CLASSIFICATION: Cases reserved *specialissimo modo* to the Sovereign Pontiff.

There are four cases to which *excommunication* is attached:

1. Profanation of the Sacred Species; "*qui species consecratas abjecerit, vel ad malum finem abduxerit vel retinuerit*" (Canon 2320).

¹ According to Canon 2245, § 4, No. 4, a censure *latae sententiae* is reserved only if the text which utters the censure says so explicitly. In case of doubt *de jure* or *de facto*, the reservation does not bind.

² The New Code of Canon Law distributes ecclesiastical penalties in 9 categories, according to the nature of offenses punished: crimes against the faith and the unity of the Church (Canons 2314-2319); against religion (Canons 2320-2329); against ecclesiastical authorities, persons, and things (Canons 2330-2349); against life, liberty, property, reputation, and good morals (Canons 2350-2359); *crimen falsi* (Canons 2360-2369); abuses in the administration or the reception of Holy Orders and the other sacraments (Canons 2364-2375); offenses against the obligations proper to the clerical or the religious life (Canons 2376-2389); abuses in the conferring, reception, and resignation of ecclesiastical dignities, charges, and benefices (Canons 2390-2403); abuse of ecclesiastical powers and offices (Canons 2404-2414).

In our present system of nomenclature, mention will be made only of censures "*latae sententiae*". They will be set forth in several categories, according to the seriousness of the reservation; but due account will be given, as regards the order of sequence of the cases in each category, to the classification of the Code.

2. Real or pretended absolution of a *complex in peccato turpi*¹ (Canon 2367).

3. Presumption, on the part of a confessor, to directly violate the sigillum of confession (Canon 2369, § 1).

4. Violent or cruel treatment of the Roman Pontiff (Canon 2343).

SECOND CLASSIFICATION: Cases reserved *speciali modo* to the Sovereign Pontiff. This category includes 14 cases; 13 to which excommunication is attached, and one to which interdict is attached.

The 13 cases of *excommunication* are as follows:

1. All apostates, heretics, and schismatics (Canon 2314).

2. He who, when suspected of heresy,² does not remove the cause of suspicion inside of six months after having been, because of that suspicion, deprived of the right to lawful acts, or, if he be a cleric, suspended *a divinis* (Canon 2314).

3. Those who publicly print the books of apostates, heretics, and schismatics, which defend apostasy, heresy, or schism; those who defend those books and others condemned *nominatim* by letters apostolic; those who *scienter* and without permission read or retain possession of such books (Canon 2318, § 1).

4. Those who, not being priests, pretend to celebrate Mass, or hear a sacramental confession (Canon 2322, No. 1).

5. Whoever appeals from the laws, decrees, and orders of the Holy See to a General Council (Canon 2322).

6. Those who have recourse to the civil power to seize the letters or acts of any kind issued by the Holy See or its legates; those who

¹This case introduces two changes into the previous legislation.

1. The censure is not incurred, if the penitent, in danger of death, refuses to confess to another priest.

2. The censure is incurred even when the complex "*peccatum quidem complicitalis, a quo nondum est absolutus, non confitetur, sed ideo ita se gerit, quia ad id a complice confessario sive directe sive indirecte inductus est.*"

² According to the Code, the following sins make those who commit them *haeresi suspecti*:

1. Those who, in any manner, freely and knowingly aid the propagation of heresy; those who take an active part in the religious services of heretics (Canon 2316).

2. Catholics who marry with either an explicit or an implicit agreement that their children (some or all of them) shall be brought up outside the Catholic Church; those who *scienter* presume to present their children for non-Catholic baptism; those (parents or guardians) who *scienter* have their children brought up in a non-Catholic sect (Canon 2319, § 1, No. 2-4.)

3. Those who profane the consecrated Species, or retain Them, or hand Them over to others for an evil purpose (Canon 2320).

4. Those who appeal from the laws, orders, or decrees of the reigning Roman Pontiff to a General Council (Canon 2332).

5. Those who, after having been excommunicated, obstinately remain in that state for one year (Canon 2340).

6. All those who, *scienter*, are guilty of simony in the conferring or receiving of Holy Orders, or of the other sacraments (Canon 2371).

hinder their promulgation or execution, directly or indirectly; those who, because of such letters or acts, wound or terrify either the persons to whom such letters or acts are addressed, or any other person (Canon 2333).

7. The authors of laws, orders, or decrees contrary to the liberty or rights of the Church (Canon 2324, No. 1).

8. Those who, directly or indirectly, hinder the exercise of ecclesiastical jurisdiction in either the internal or the external forum, by appealing to any lay power (Canon 2334, No. 2).

9. Those who dare to cite before the civil court, without having secured authorization from the Holy See, either a major employee of the Roman Curia, for matters which pertain to their charge, or their own Ordinary (Canon 2341).

10. Those who strike a Cardinal, a Legate of the Holy See, a Patriarch, an Archbishop, or a Bishop (even tho he be merely a titular Bishop) (Canon 2344, §§ 2 and 3).

11. Those who usurp or retain, either personally or by proxy, the property or the rights of the Roman Church (Canon 2345).

12. Those who forge or falsify letters, decrees, or rescripts of the Holy See; those who *scienter* make use of such false documents (Canon 2360).

13. Those who, personally or by proxy, falsely accuse a confessor to his superiors of the crime of solicitation (Canon 2363).

N.B. There is no need of mentioning here the excommunication declared against crimes committed in the process of the election of the Sovereign Pontiff (Canon 2330).

The one case of *interdict* reserved *speciali modo* to the Sovereign Pontiff:

That of Universities, Colleges, Chapters, and other moral persons who appeal from the laws, orders, and decrees of the reigning Pope to a General Council (Canon 2332).

THIRD CLASSIFICATION: Cases reserved *simpliciter* to the Sovereign Pontiff. This includes 17 cases; 12 excommunications, and 5 suspensions.

The *excommunications* are the following:

1. Those who traffic (*quaestum facientes*) in indulgences (Canon 2327).

2. Those who join the Masonic order, or other associations of the same kind, which conspire against the Church or against the lawful civil authority (Canon 2335).

3. Those who give succor or assistance to *excommunicati vitandi* with reference to the sin for which they were excommunicated; likewise, those clerics who, *spontanee et scienter*, hold communion with such persons and admit them to divine service (Canon 2338, § 2).

4. Those who cite before the civil courts on matters pertaining to their charge: a Bishop (even tho only a titular Bishop); an Abbot or Prelate *nullius*; or the Superior of a religious order approved by Rome (Canon 2341, § 2).

5. Those who violate the enclosure of nuns (no matter what their rank, condition, or sex), by entering their monastery without permission; so also, those who introduce or admit others within the enclosure (Canon 2342, No. 1).

6. Women who violate the enclosure of regulars; likewise, the Superior, or anyone else who introduces or admits within the enclosure women of whatsoever age (Canon 2342, No. 2).

7. Nuns who, without authorization from the Sovereign Pontiff, leave their cloister at other times than in danger of death or serious peril (Canon 2342, No. 3).

8. Those who presume to convert to their own use, either personally or by proxy, ecclesiastical property of any kind, movable or immovable, corporeal or incorporeal,—or who presume to hinder those who have the right to do so, from obtaining the fruits of revenues¹ therefrom (Canon 2346).

9. Those who engage in a duel; those who provoke or accept a challenge to a duel; those who encourage or promote it; those who of their own volition (*ex industria*) are present at it; those who permit it, or omit doing what they can to prevent it, no matter what their rank (Canon 2351).

10. Clerics in Sacred Orders, regulars, and nuns, who have taken the solemn vow of chastity, and presume to contract a marriage (even tho it be merely a civil marriage); as well as the persons who are united to them by such a marriage (Canon 2388).

11. Those who commit the sin of simony with reference to any ecclesiastical office, benefice, or dignity whatsoever (Canon 2392).

12. The Vicar Capitular, Canon, or any other person who removes, destroys, conceals, or substantially alters any document pertaining to the Episcopal curia (Canon 2405).

¹ According to a reply by the Sacred Penitentiary to the Bishop of Lucon, Aug. 5, 1907, this excommunication extends also to those who rent usurped ecclesiastical property; but only when the damage to the Church resulting therefrom amounts in one or more years (according to the life of the lease) to what is in the judgment of a prudent confessor, a notable sum; more, however, than the sum (30 to 40 francs, or \$6.00 to \$8.00) which is generally taken to constitute matter for grave injustice.

The cases of *suspension* reserved *simpliciter* to the Sovereign Pontiff are the following:

1. The Bishop and his assistants (Bishops or priests) who, without Apostolic authorization,¹ give episcopal consecration; as well as he who receives it (Canon 2370).
2. Clerics who, *scienter*, practice simony in the conferring or receiving of Holy Orders or the other sacraments (Canon 2371).
3. Those who presume to receive Holy Orders from an excommunicated person, or from one who is under suspension or interdict, after the passing of the sentence which condemned him, or declared the penalty;—or from an apostate, heretic, or notorious schismatic² (Canon 2372).
4. Suspension for one year, so far as the conferring of Holy Orders is concerned, is visited upon:
 - A. Those who ordain the subject of another Bishop without dimissorial letters from his Ordinary.
 - B. Those who ordain, without dimissorial letters, subjects of their own who have lived elsewhere long enough to contract a canonical impediment.³
 - C. Those who elevate anyone to Major Orders without a canonical title.
 - D. Those who ordain, unless by virtue of a lawful privilege, a religious whose family does not reside within their territory, even tho they have dimissorial letters from the Superior of the religious;—unless the Bishop of the diocese has given permission, or unless he belongs to a different rite, or unless he is absent, or unless he does not intend to ordain on the next regular ordination day, or, lastly, unless the diocese is vacant and is ruled by someone who is not of episcopal character (Canon 2373).
 - E. Any religious cleric in Major Orders whose profession has been declared null because of fraud (*dolus*) on his part⁴ (Canon 2387).

¹ The terms of the Canon do not specify the manner in which this case is reserved to the Sovereign Pontiff. It merely says "*donec Sedes Apostolica eos dispensaverit.*"

² He who, in good faith, is ordained by one of this class of sinners, is deprived of the exercise of the Order thus received, until he has secured a dispensation (Canon 2370).

³ According to Canon 994, the time within which a canonical impediment can be contracted, is, regularly, three months in the case of soldiers, and six months for others, after the age of puberty. But the Bishop who gives ordination can, if he sees fit, demand the testimonial letters for an even shorter stay, or for the period preceding puberty.

⁴ The same as in Note 1, above, "*Donec Sedi Apostolicæ aliter visum fuerit.*"

CASES WHICH ARE RESERVED TO THE BISHOP WITH CENSURE

1. Cases which THE LAW reserves to all Bishops within their own diocese.
2. Cases which THE BISHOP HIMSELF reserves within his own diocese.

FIRST CLASSIFICATION: Cases Reserved to all Bishops by the General Law.

This category includes 8 cases; 5 excommunications, 2 suspensions, and one interdict.

The following are the cases reserved to the Bishop with *excommunication*, by the General Law of the Church:

1. All Catholics who:
 - A. Contract marriage before a minister of a non-Catholic sect, *qua* minister.
 - B. Contract marriage with the explicit or implicit understanding that the children, or a part of the children, shall be brought up outside the Catholic faith.
 - C. Presume, *scienter*, to have their children baptized by non-Catholic ministers.
 - D. Have their children brought up, or bring them up, *scienter*, in a non-Catholic religion. (This applies to parents and guardians) (Canon 2319).
2. Those who manufacture spurious relics, or who, *scienter*, sell them, distribute them, or expose them to the veneration of the faithful (Canon 2326).
3. Those who strike a religious, a cleric, or a nun (Canon 2343, § 4).
4. Those who efficaciously procure an abortion, the mother herself not being excepted! (Canon 2350, § 1).
5. The religious who apostatizes from religion incurs an excommunication reserved to his own Major Superior, or, if his religious order is lay and not exempt, to the Ordinary of the place where he lives (Canon 2385).
6. Those who have made profession of simple vows, in Orders or Religious Congregations, and who presume to contract marriage (even merely civil marriage); as well as the persons who contract marriage with them (Canon 2388, § 2).

The following are the cases reserved *with suspension* to the Bishop by the General Law of the Church:

1. The cleric who dares to prosecute before a lay judge, without previously securing the permission of the Bishop, a person who is

entitled to the privilege of the *forum ecclesiasticum*, incurs *ipso facto* a suspension from his office which is reserved to the Ordinary (Canon 2341).

2. A fugitive religious, if he is in Sacred Orders, incurs *ipso facto* a suspension reserved to his Major Superior (Canon 2386).

The following case is reserved *with interdict* to the Bishop by the General Law of the Church:

Those who, *spontanee*, give Christian burial to an infidel, apostate, heretic, schismatic, or excommunicated person, incur an interdict from entering a church which is reserved to the Ordinary (Canon 2339).

SECOND CLASSIFICATION: Cases the Absolution of which the Bishop of the Diocese Reserves to Himself (See the Statutes and Regulations of the diocese).

3. THE ABSOLUTION OF RESERVED CENSURES

1. General Principles.

2. Special Rules.

GENERAL PRINCIPLES

166. *How can a censure be removed?*

Only by lawful absolution (Canon 2248, § 1).

167. *When can a sinner who is under censure, be absolved?*

As soon as he ceases to be contumacious, he can no longer be refused absolution; but a fitting penance¹ or punishment may be imposed on him (Canon 2248, § 1).

168. *Can a censure that has been removed by absolution, revive?*

Only in case that the onerous condition imposed under penalty of revival, has not been fulfilled (Canon 2248, § 3).

169. *Can he who is under several censures, be absolved from one and not from the others?*

Yes! (Canon 2249, § 1).

170. *Can a sinner who is under several censures, be absolved from a censure which he does not confess?*

We must distinguish:

1. If the absolution is special to a certain censure,—it extends only to those which are confessed.

¹ To instance a case of reserved interdict whose absolution depends on suitable satisfaction, in accordance with the judgment of him whose decision was disregarded by the culprits: Those who, *scienter*, celebrate or cause to be celebrated divine service in places under interdict, or who permit the celebration of divine service by clerics who are interdicted with censure, or who are excommunicated, suspended, or interdicted, after the issuance of the declaratory or condemnatory sentence,—contract an interdict from entering a church (Canon 2338, § 1).

2. If the absolution is general,—it extends also to those which, in all good faith, have not been confessed, except, of course, the censures reserved *specialissimo modo* to the Sovereign Pontiff (Canon 2249, § 2).

171. *Can a sinner be absolved from a sin without being absolved from the censure attached to it?*

We must distinguish:

1. If the censure does not prevent the reception of the sacraments,—Yes!, provided the culprit is well disposed, and has ceased to be contumacious (Canon 2250, § 1).

2. If the censure does prevent the reception of the sacraments,—No! (Canon 2250, § 2), the sin being reserved as well as the censure (Canon 2246, § 3).

172. *When a censure is reserved in a certain territory, can the sinner secure absolution elsewhere without remaining bound by the censure?*

We must distinguish (Canon 2247, § 2):

1. As regards the censures declared by the Code (*a jure*),—Yes!, even if the sinner goes outside the territory where the censure exists for the express purpose of obtaining absolution.

2. As regards censures declared by a particular superior (*ab homine*),—No! These censures are reserved everywhere (Canon 2247, § 2), and absolution from them can be given only by the Superior himself, his competent superior, his successor, or his delegate (Canon 2245).

173. *If a confessor who is ignorant of the reservation, absolves a sinner from his censure and his sin, is the absolution valid?*

Yes!,¹ except for those censures inflicted by a particular superior, and for those reserved *specialissimo modo* to the Sovereign Pontiff (Canon 2247, § 3).

174. *What formula is to be used for the absolution of censures?*

We must distinguish (Canon 2250, § 3):

1. In the sacramental forum,—that which is included in the general formula which the confessor uses in administering the sacrament of Penance.

2. In the extra-sacramental forum,—

A. Any formula.

B. However, to absolve from an excommunication, it is well, as a general rule, to use the formula of the Ritual.

175. *What is the respective scope of the absolution of censures in the external and in the internal forum?*

According to Canon 2251:

1. The absolution in the external forum holds good also for the internal forum.

¹ Nevertheless, the confessor who would thus exceed his rights, would incur the canonical penalties mentioned above, page 38.

2. The absolution in the internal forum permits him who is its object to consider himself as absolved also in the external forum, provided there is no reason to fear scandal. But, for want of proof or legitimate presumption of the granting of the absolution, the Superior of the external forum can insist on absolution in the external forum.

176. *As a general rule, who can absolve from reserved censures?*

We must distinguish:

1. From censures imposed by a particular superior (*ab homine*),—only the superior, his superior, or his delegate, even if the culprit has removed his domicile to a place outside the jurisdiction of the superior in question (Canon 2253, No. 2).

2. Censures imposed by the Code (*a jure*):—he who inflicted the censure, or he to whom it was reserved, and also their superiors, successors, or delegates. Hence:

A. If a censure is reserved to the Bishop or to the Ordinary, he can absolve from it: (1) his own subjects, anywhere; (2) all travellers within the limits of his territory (Canon 2253, No. 3).

B. If a censure is reserved to the Holy See, we must further distinguish, according as the censure is public or occult:

(1). If it is public,—the Holy See alone can absolve from it, either personally or thru others who have received the proper authorization (general, for cases reserved *simpliciter*; special, for cases reserved *speciali modo*; and very special, for cases reserved *specialissimo modo*) (Canon 2253, No. 3).

(2). If the censure is occult,—the Ordinary can absolve from it either personally or by others; an exception being made, however, for censures reserved to the Holy See *speciali* or *specialissimo modo* (Canon 2237, § 2).

SPECIAL RULES FOR THE ABSOLUTION OF SINS RESERVED WITH CENSURE

Besides the general rules considered above, we must now treat of:

1. Certain exceptional particular cases.

2. The circumstances under which a confessor who possesses ordinary power, can, under certain conditions, absolve from reserved censures.

The *exceptional, particular cases* are the following:

1. Apostates, heretics, and schismatics who submit to the forum externum of the Bishop for juridical abjuration (made in the presence

of the Bishop or his delegate, and of two witnesses), may be absolved *in foro externo* by the Bishop, and obtain absolution from their sins *in foro conscientiae* from any approved confessor (Canon 2314, § 2).

2. He who has presumed to appropriate ecclesiastical property to his own use, or to hinder its legitimate beneficiary from enjoying its fruit or revenue, can be absolved from the excommunication incurred only after having restored in its integrity the property usurped,¹ or after having put an end to the hindrance mentioned (Canon 2316).

3. He who, personally or by proxy, has falsely denounced a confessor to his superiors *de crimine sollicitationis*, can in no case be absolved before having formally retracted his false denunciation, and repaired, to the utmost of his ability, the damage that has ensued therefrom (Canon 2363).

The circumstances in which a confessor who possesses ordinary power can absolve from reserved censures, are two in number: (1) danger of death; (2) urgency.

DANGER OF DEATH.

177. *Does any reservation of censures exist for those who are in danger of death?*

No! Those who are *in periculo mortis constituti* can receive absolution from all sins and all censures from any priest whatsoever (Canon 882).

178. *To what is a sinner bound on his return to health, if, while in danger of death, he was absolved from censures by a priest who did not possess the powers normally required for that purpose?*

In two cases only (censure *ab homine*, and censure reserved *specialissimo modo* to the Sovereign Pontiff), he is obliged under penalty of reincidence (Canon 2252):

1. In the first case,—to refer the matter to him who imposed the censure.

2. In the second case,—to recur within a month, either by letter or thru his confessor, if this can be done without serious inconvenience (withholding, of course, the name of the penitent), to the Sacred Penitentiary, or to a Bishop who has the power to absolve from these censures, or to any other confessor who possesses this power.

NOTE. Recourse to any Bishop who does not possess this power, will be of no avail (Pont. Com. for the Int. of the Code, Nov. 12, 1922).

¹ This general rule does not in any way conflict with the instructions given Sept. 21, 1907, to the Ordinaries of France by the Secretary of State, on the subject of the acquisition and renting of ecclesiastical property.

URGENCY.

179. What is meant by "urgency"?

There is "urgency" (*in casibus urgentioribus*) when a censure *latae sententiae* cannot be observed externally without danger of grave scandal or serious suspicion (*infamia*),—or when it is hard for the penitent to remain in the state of mortal sin during the time needed to refer the case to a competent superior¹ (Canon 2254).

180. In case of urgency, who can absolve a penitent under censure?

Any confessor, *in foro conscientiae*, can, in such a case, absolve from all reserved censures (Canon 2254).

181. To what is the penitent bound, in such a case?

Under pain of relapsing into the state of censure, he must, if he can do so without grave inconvenience, recur, within a month, either by letter or thru his confessor (the name of the penitent being, of course, withheld), either to the Sacred Penitentiary, or to the Bishop, or to any other confessor who has the necessary powers (Canon 2254).

182. Once he has taken these measures, can the penitent demand absolution from his censures from a priest who has the necessary powers?

Yes! But he must at the very least repeat his confession of the sin to which the censure was attached (Canon 2254, § 2).

183. When an answer is received from the superior to whom recourse was had, is the penitent obliged to comply with his commands?

No! It is enough that he execute the commands of the confessor who had the power to absolve (Canon 2254, § 2).

184. What is to be done if, in an extraordinary case, recourse to a competent superior is morally impossible?

In such a case, any confessor can absolve without obligation of subsequent recourse, imposing a fitting penance, and demanding the proper reparation. An exception, however, to this concession of the Code, is the following case: "*Absolvens vel absolvere fingens complicem in peccato turpi*" (Canon 2254, § 3).

185. In such a case as the above, can there be any revival of the censure?

Yes!, if the penitent does not, within the time specified, fulfill the conditions imposed by the confessor (Canon 2254, § 3).

186. What is to be done in occult urgent cases, if the penitent cannot fulfill the penance imposed by the Code, without exposing himself to suspicion or scandal?

In such a case, any confessor, *in foro interno*, can suspend the obligation of satisfying the penance, in accordance with the same rules which apply to censures in case of urgency (Canon 2290, §§ 1 and 2).

¹ For this, it is enough that it be irksome to the penitent to remain for a day or two in the state of mortal sin (S. Off., June 16, 1897).

SINS TO WHICH IS ATTACHED A NON-RESERVED CENSURE

187. Which are the sins to which a non-reserved censure is attached?

A non-reserved *excommunication* is incurred by:

1. Anyone who, without proper permission, prints, or causes to be printed, the books of the Holy Scripture, or notes and commentaries thereon (Canon 2318, § 2).

2. Anyone who, *scienter*, fails to secure the authorization of the Sovereign Pontiff for the alienation of ecclesiastical property to the value of over 3,000 francs, or who, without such authorization, encumbers an ecclesiastical establishment with a debt of over 30,000 francs, no matter what rôle he may play in the matter, whether he has given or received the property, or merely given his consent to the transaction (Canon 2347, No. 3).

3. Anyone who, in any manner whatsoever, compels a man to embrace the ecclesiastical state, or any person whatsoever to enter religious life (Canon 2352).

4. Any Catholic who, *scienter*, fails to denounce within a month *sacerdotem a quo sollicitatus fuerit in confessione*. Such a one cannot be absolved until he has satisfied or honestly promised to satisfy this obligation (Canon 2368, § 2).

5. Those who dare to grant or to compel the granting of ecclesiastical burial to infidels, apostates, heretics, schismatics, or excommunicated or interdicted persons (Canon 2339).

A *non-reserved suspension* is incurred by:

1. The priest who, without proper jurisdiction, presumes to hear sacramental confessions (he is suspended *a divinis*) (Canon 2306, § 1).

2. The priest who, tho possessing jurisdiction, absolves from reserved cases, without having the faculties to absolve from them (he is suspended from hearing confessions) (Canon 2366, § 2).

3. He who, with evil intent (*malitiose*), confers Holy Orders on those who have no dimissorial letters, who have false dimissorial letters, or who have not yet reached the canonical age. The same applies to him who confers Holy Orders *per saltum* (Canon 2374).

4. The cleric who presumes to hand over to lay persons an ecclesiastical charge, benefice, or dignity (he is suspended *a divinis*) (Canon 2400).

5. The Abbot or Prelate *nullius* who, in opposition to a Pontifical decree, or to the Constitutions of his order, delays (unless prevented by serious inconvenience) receiving the blessing of a Bishop for more

than three months (he is suspended from his jurisdiction) (Canon 2402).

6. The Vicar Capitular who gives dimissorial letters for ordination without the consent of the Chapter; or who gives such letters before the See has been vacant for one year (unless compelled to do so by reason of a benefice or charge which it is necessary to fill without delay); (he is suspended *a divinis*) (Canon 2409).

7. Religious Superiors who presume to present their subjects for ordination to a Bishop other than the Bishop of the diocese in which their house is located, except in certain cases provided for by the Code (Canons 965-967); (they are suspended from the celebration of Mass for a month) (Canon 2410).

A *non-reserved interdict* is incurred by those who have been the cause of the declaration of a local interdict, or of an interdict directed against a community or group (they are under a personal interdict) (Canon 2338, § 4).

188. *How are sins to which non-reserved censures are attached, to be absolved?*

According to Canon 2253:

1. In the sacramental forum,—by any confessor.
2. Outside the sacramental forum,—by the person who has jurisdiction over the offender *in foro externo*.

COROLLARY TO THE SACRAMENT OF PENANCE—INDULGENCES

Questions to be considered:

1. The Privileged Altar.
2. The Gregorian Masses.
3. Indulgences attached to prayers or pious works.

I. PRIVILEGED ALTARS

1. GENERAL RULES

189. *In what does the favor of the Privileged Altar consist?*

In this, that the Church has granted a plenary indulgence in favor of the soul for whom the Mass is offered under certain conditions.

190. *Under what circumstances can the indulgence of the Privileged Altar be gained?*

The circumstances are of two kinds, and demand the fulfillment of certain requirements which will be explained further on.

A. THE CAUSE OF THE PRIVILEGE

1. The Privileged Altar is Local, when the favor is attached to the altar itself, so that all the Masses celebrated under the prescribed conditions have a plenary indulgence attached to them.

2. The Privileged Altar is Personal, when the privilege is attached to a Mass that is celebrated at any altar under the prescribed conditions, by reason either of the priest who says the Mass, or by reason of the person for whom the Mass is said. Generally this indulgence, which is granted to certain societies or confraternities, can be gained either by the priest who undertakes it in favor of the soul for whom he offers the Mass, or by any priest in favor of a member of the society or confraternity in question.

B. THE BENEFICIARY OF THE INDULGENCE

1. If the favor of the Privileged Altar is granted for the dead,—a plenary indulgence, applicable to only one departed soul *per modum suffragii*, is attached to the Mass, which may be offered for one or more departed souls (S. C. Indulg., Aug. 28, 1897, ad 3m).

2. If this favor is granted for the living,—(generally for those in their agony), a plenary indulgence applicable to only one living person *per modum jurisdictionis (absolutionis)* is attached to the Mass, which may be offered for one or more living persons (Id., S. Off., Nov. 9, 1922, ad 2m).

NOTE:—Unless there is a special stipulation to the contrary, this favor is understood to be that of the Privileged Altar for the Dead. Such is the evident meaning of Canons 915-918.

191. *Can the indulgence of the Privileged Altar be applied to a soul other than the one for whom the Mass is offered?*

No! In no case can the indulgence be separated from the application (or fruit) of the Mass. It can benefit only the soul for whom the Mass is said (S. Off., July 4, 1845; S. C. Indulg., Dec. 19, 1885, ad 5m and Aug. 25, 1897, ad 2m).

192. *If the Mass is offered for both the living and the dead at the same time, can the indulgence of the Privileged Altar then be gained?*

No! It cannot in such a case be gained for either a living or a dead person (S. C. Indulg., Jan. 23, 1901, ad 1m).

193. *May this plenary indulgence be divided into several partial indulgences, by which all the persons for whom the Mass is offered, can profit?*

No! The plenary indulgence is indivisible, and is applicable to only one soul (S. C. Indulg., July 28, 1840, June 19, 1880, Dec. 19, 1885; S. Poenit., July 6, 1917).

194. *When the Mass is offered for several living persons, or for several dead persons, can the indulgence of the Privileged Altar be applied to just one of these souls?*

Yes! (S. C. Indulg., June 19, 1880).

195. *When a priest offers up the Holy Sacrifice for several living persons, or for several dead persons, is he obliged to specify which soul he wishes to profit by the indulgence of the Privileged Altar?*

No! (S. C. Indulg., June 19, 1880, ad 3m; S. Off., Nov. 9, 1922, ad 3m et 4m). But the priest can, if he chooses:

1. either specify *nominatim* the soul who shall enjoy this plenary indulgence;

2. or designate the soul by a condition concerning whose fulfillment God will be the judge; for instance, he may designate the dying person who is most forsaken, or the person who has had the most devotion to the Blessed Virgin, or that soul in Purgatory who is the most forgotten, the nearest, or the farthest from deliverance from Purgatory, etc., etc.;

3. or leave to God, to the Blessed Virgin, or to a Saint, the choice of the soul who shall profit by the indulgence.

2. SPECIAL RULES CONCERNING THE PRIVILEGED ALTAR FOR THE DEAD

196. *Who has the right to designate and declare altars perpetually privileged?*

The Bishop in his own diocese (Canon 916).

197. *Which churches may have a Privileged Altar?*

Cathedral, abbatial, collegiate, conventual, parochial, and semi-parochial churches, but not public or semi-public oratories, unless they are united to a parochial church (Canon 916).

198. *How many Privileged Altars may there be in a church?*

Only one! (Canon 917).

199. *How should an altar be marked to show that it is privileged?*

With the inscription "*Altare Privilegiatum*", or "Privileged Altar"; and, in addition, according to the terms of the concession, the word "perpetual" or "temporary", as the case may be. Nothing further is to be added (Canon 918).

200. *Are there circumstances in which this privilege is granted to priests who say Mass at altars which are not privileged?*

In two circumstances:

1. On All Souls Day, all Masses enjoy this privilege (Canon 917, § 1).

2. All the altars are privileged in a church in which the services of the Forty Hours Adoration are being held (Canon 917, § 2).

201. *May several Masses be said on the same day at a Privileged Altar for the same dead person?*

Yes! (S. C. Indulg., July 28, 1840), because the indulgence is granted only *per modum suffragii*.

202. *When the rubrics permit the saying of a Requiem Mass, can the indulgence of the Privileged Altar be gained by saying another Mass?*

Yes! (S. C. S. Off., Feb. 20, 1913). But it is more fitting to say a Requiem Mass.

II. THE GREGORIAN MASSES

203. *What are the Gregorian Masses?*

They are a successive series of thirty Masses said for the same dead person, to obtain the deliverance of that soul from Purgatory, thru the benevolent dispensation of God's mercy.

204. *Is the confidence of the faithful in the special efficacy of the Gregorian Masses pious, reasonable, and approved by the Church?*

Yes! (S. C. Indulg., Aug. 24, 1888).

205. *Have the Sovereign Pontiffs attached any indulgences to the Gregorian Masses?*

No! (S. C. Indulg., Mar. 13, 1884). The belief in the efficacy of these Masses is based on a private revelation made to Pope St. Gregory, and approved by the Church; while the efficacy of the Privileged Altar is based on the power of the Church, which has attached a plenary indulgence to it.

206. *Can more than one series of Gregorian Masses be offered up for the same soul?*

Yes!, for the application of the fruit of these Masses, which are offered *per modum suffragii*, is not certain.

207. *Can the Gregorian Masses be offered for more than one soul at a time?*

No! (S. C. Indulg., Jan. 14, 1889).

208. *Can the fruit of the Gregorian Masses be applied to a living person?*

No! (S. C. Indulg., Mar. 13, 1884).

209. *Is it necessary that the Gregorian Masses be all said by the same priest?*

No! (S. C. Indulg., Jan. 14, 1889; S. Off., Dec. 12, 1912).

210. . . . *at the same altar?*

No! (Id.).

211. . . . *by Requiem Masses, when the rubrics permit?*

No! But it is more fitting so (S. Off., Dec. 12, 1912).

212. . . . *without interruption?*

Yes! (S. C. Indulg., Jan. 14, 1889; S. Off., Dec. 12, 1912).

213. *Is it permitted, after an interruption in the Gregorian Series, to adjust the thirty Masses to the specified thirty days, by celebrating or causing to be celebrated several Masses on the same day?*

No! (S. Off., Dec. 12, 1912).

214. *Can the priest who agrees to say the Gregorian Masses, discharge his obligation by having thirty Masses said for the deceased person on the same day, or within a few days?*

No! (S. Off., id.).

215. *What is to be done if Holy Week comes during the course of the Gregorian Series?*

Suspend the continuation of the Series for the days on which it is not allowed to say Mass (Benedict XIV).

216. *What is to be done, if, outside of Holy Week, the Gregorian Series is interrupted?*

There are two opinions:

1. The more probable opinion is that the priest must either ask for a concession from the person who is having the Masses said, or commence the series anew, or ask for a condonation from the Holy See.

2. Some (with Mgr. Boudinhon, in the *Canoniste Contemporain*, May-June, 1917), make the following distinction:

A. If the interruption excludes all fault on the part of the priest (as in the case of superior force, sudden sickness, etc.),— he is not bound to commence the series anew; but he should use all possible expedition in securing a substitute.

B. If the interruption is due to some fault on the part of the priest (for instance, negligence),— his confessor should impose a reparation proportioned to his negligence (for instance, the supplementary celebration of several Masses, especially if the honoraria of the Gregorian Series were more than the ordinary offerings for manual Masses).

III. INDULGENCES ATTACHED TO PRAYERS OR PIOUS WORKS

THE CONCEDING OF INDULGENCES

217. *Who has the power to grant indulgences?*

1. Those which are applicable to the dead,— the Pope alone (Canon 913, No. 2).

2. Those which are applicable to the living who fulfill the works enjoined:—

A. Bishops can grant indulgences of 50 days in the territory under their jurisdiction (Canon 349, § 2, No. 2).

- B. Metropolitans can grant indulgences of 100 days, in all the dioceses of their province (Canon 274, No. 2).
- C. Those to whom the Pope has delegated this power, can grant indulgences within the limits of their delegation (Canon 913, No. 1).

218. *Can they who have the ordinary power of granting indulgences, delegate this power to others?*

No!, unless by special indult; this power of delegation belongs *de jure* to the Pope alone (Canon 913, No. 1).

219. *Can they who have the ordinary power of granting indulgences, attach indulgences, without new conditions, to practices which have already been indulgenced by others?*

No! This right belongs to the Pope alone (Canon 193, No. 3). This is what Pius XI has done in the case of the Apostolic Indulgences. (S. Poenit., June 14, 1922).

220. *To what is he bound who has received from the Pope the power of granting indulgences?*

If this power embraces all the faithful, he is bound, under pain of nullity, to submit to the S. Poenitentiary the authentic documents of these concessions (Canon 920).

221. *When an indulgence is granted "for the feasts of Our Lord, of the Blessed Virgin, and of the Apostles," which feasts are meant?*

1. As regards feasts of Our Lord and the Blessed Virgin:

A. Plenary indulgences are granted only on those feasts which are on the universal calendar (Canon 921, § 1).

B. Partial indulgences are granted on all their feasts (the Code indicates no restriction).

2. As regards the feasts of the Apostles: Both plenary and partial indulgences are granted only on the feasts of their *dies natalis* (the day of their death). (Canon 921, § 2).

222. *If a plenary indulgence is granted "to those who visit a church or public oratory," when may it be gained?*

On any day whatsoever, but only once a year, unless the decree specifies otherwise (Canon 921, § 3).

223. *If indulgences are attached to festivities, novenas, triduum, or other prayers to be said before or after a feast or during its octave, what is to be done in case the feast is transferred?*

We must distinguish:

1. If the feast itself is transferred, with its office and its Mass, but without solemnity and external celebration:

A. If the transfer is perpetual,— the indulgences are likewise transferred.

B. If the transfer is only accidental,—the indulgences are not transferred, and can be gained, even on Good Friday (S. Poenit., Feb. 18, 1921).

2. If the feast remains on its own date, and its solemnity and external celebration are transferred, the indulgences are always transferred to the day of the solemnity.

224. When indulgences are attached to a certain church, do they cease if the church is entirely destroyed?

Not if, inside of fifty years, it is rebuilt on practically the same site, and under the same title (Canon 924, § 1).

225. When do Rosary beads or other indulgenced articles of piety lose their indulgence?

Only when they are destroyed or sold (Canon 924, § 2). They do not lose their indulgence (even in the case of Apostolic Indulgences) when they are given or lent to others in order that they may gain the indulgences (S. Poenit., Feb. 18, 1921).

THE GAINING OF INDULGENCES

226. What conditions are required to gain an indulgence?

1. The person gaining the indulgence must be baptized, not excommunicated, in the state of grace (at least at the close of the prescribed works), and the subject of him who grants the indulgence (Canon 925, § 2).

2. He must have the intention (at least general) of gaining it; and he must accomplish the works prescribed, in the time and manner indicated in the concession (Canon 925, § 2).

227. If a Catholic cannot gain a plenary indulgence fully, can he gain it at least partially?

Yes!, in accordance with his dispositions (Canon 925).

228. Who can gain an indulgence granted by a Bishop?

Unless there is a clause to the contrary in the terms of concession, his subjects can gain it even outside his diocese; travellers, *vagi*, and "exempt" persons who are residing within the limits of his diocese, can also gain it (Canon 927).

229. Can a person gain the same plenary indulgence more than once in the same day, by accomplishing more than once the works prescribed?

No!, unless the contrary be explicitly stated (Canon 928, § 1).

230. Can a person gain the same partial indulgence more than once in the same day?

Yes!, as often as the works prescribed are repeated, unless the contrary is explicitly stated (Canon 928, § 2).

231. *Can a person gain an indulgence by making the prescribed visits in chapels belonging to communities?*

Yes!, under the following conditions:

1. That these houses have no affiliation with a church or public oratory, and have been established with the consent of the Ordinary.

2. In such a case as the above, this concession is granted:

A. To those who reside in such houses for the purpose of seeking perfection, or receiving instruction or education, or for their health.

B. To the servants who reside in them.

3. It is necessary, moreover, that assistance at Mass in such chapels on days of obligation be recognized by the Code as sufficient.

232. *To whom may indulgences be applied?*

We must distinguish (Canon 930):

1. To other living persons?—No! except in the case of one who is in his agony, and for whom Mass is being said at an altar that is privileged for the living (S. Off., Nov. 9, 1922).

2. To the dead?—Yes! All the indulgences granted by the Sovereign Pontiff may be applied to the dead, unless the contrary is explicitly stated.

233. *What rules are to be followed when confession is required to gain an indulgence?*

1. The following are dispensed from making a special confession: the faithful who, unless legitimately prevented, are in the habit of going to confession twice a month, or of receiving Communion at least five times a week. Nevertheless, a special confession is required for Jubilee indulgences, or indulgences granted *in forma jubilaei* (Canon 931, No. 3).

2. When an indulgence is appointed for a certain day, one may go to confession for the purpose of gaining it, within the octave that precedes or the octave that follows it (Canon 931, § 1).

3. When an indulgence is appointed for a triduum, a novena, or other exercise of several days' duration, one may go to confession during the exercises or during the octave following (Canon 931, § 2).

234. *What rules are to be observed with regard to the Communion required for gaining an indulgence?*

1. If the indulgence is appointed for a certain specified day, one may receive Communion on the day preceding, or within the octave following (Canon 931, § 1).

2. If it is appointed for a triduum, etc., the same rule applies as for confession (Canon 931, § 2).

235. *In order to gain the indulgence attached to a certain day, how soon must one make the visit to a church or oratory, if such a visit is prescribed?*

Any time between noon of the day preceding and midnight of the day itself (Canon 923).

236. *Can one gain an indulgence by means of an act that is of obligation by law or precept?*

We must distinguish (Canon 932):

1. As a general rule,—No! unless the contrary is explicitly stated in the act of concession.

2. In the case of a sacramental penance which is, in addition, indulgenced,—Yes!

237. *Can one gain more than one indulgence by accomplishing only once an act to which several indulgences are attached?*

No!, unless the contrary is explicitly stated. One confession and one Communion, however, suffice (Canon 933).

238. *What sort of prayer is required when, to gain an indulgence, prayers for the intention of the Sovereign Pontiff are prescribed?*

1. Mental prayer is not sufficient.

2. The kind of vocal prayer¹ to be employed is left to the choice of the individual, unless some special prayer is specified (Canon 934, § 1).

239. *In what language should the indulgenced prayer be said?*

In any language, provided that the version is approved by one of the Ordinaries of the country in which that language is employed (Canon 934, § 2).

240. *Are indulgences affected by additions to, retrenchments from, or interpolations in the prescribed prayers?*

The indulgences cease completely, if any changes whatsoever are made in the prayers (Canon 934, § 2). However, the custom of announcing before each *Ave* a certain mystery does not prevent the gaining of the indulgence, in places where this custom is established; but it must not be introduced where it does not already exist (S. Poenit., Jan. 22, 1921).

241. *In order to gain an indulgence, is it permitted to recite the prescribed prayers alternately with someone else?*

Yes! (Canon 934, § 3).

242. *In order to gain an indulgence, is it permitted to merely follow the prayers mentally, while someone else recites them aloud?*

Yes! (Canon 934, § 3).

¹Arguing from the fact that this Canon prescribes "a" prayer (*oratio*, in the singular), whereas former decrees called for "prayers" (*preces*, in the plural), certain prominent theologians teach that one single prayer well said (for instance, an Our Father) will henceforth suffice.

243. *When pious works are prescribed to gain an indulgence, what is to be done if some legitimate obstacle prevents their accomplishment?*

In such a case, confessors are empowered to substitute other works for the ones prescribed (Canon 935).

244. *Can mutes gain indulgences which are attached to certain prayers?*

Yes! (Canon 936), with this distinction:

1. If the indulgence is attached to public prayers,—it is enough that they are in the same place with those who recite them, and at the same time lift their minds and hearts to God.

2. If the indulgence is attached to private prayers,—it is enough that they recite them mentally, expressing them by signs, or at least following them with their eyes.

245. *If indulgences are attached to prayers which are to be said kneeling, or with signs of the cross, can they be gained by mutilated persons who cannot perform these acts?*

Yes! Such persons need merely recite the prayers (S. Poenit., Oct. 22, 1917).

SECTION V—EXTREME UNCTION

CHAPTER I

The Minister of Extreme Unction

246. *Who is the minister of the Sacrament of Extreme Unction?*

We must distinguish (Canon 938):

1. For validity,—any priest.

2. For liceity,—:

A. The pastor of the place.

B. In case of necessity,—or with the permission (at least presumed) of the pastor or Ordinary of the place,—any priest.

247. *What sort of obligation binds priests to administer this sacrament?*

1. For the ordinary minister,—it is a duty of justice.

2. In case of necessity,—it is a duty of charity for any priest within reach (Canon 939).

CHAPTER II

The Subject of the Sacrament of Extreme Unction

248. *Who can receive the sacrament of Extreme Unction?*

The faithful, who have reached the age of reason, and who, through sickness or old age, are in danger of death (Canon 940, § 1), that is, as soon as the seriousness of the illness gives sufficient reason to prudently

foresee a possible danger of death. (Benedict XV, Letter Apostolic *Sodalitatem*, May 31, 1921. Pius XI, Letter Apostolic, *Explorata res est*, Feb. 2, 1923).

249. *Can this sacrament be administered to those who have not the use of reason?*

We must distinguish:

1. If they have never reached the age of reason, or have never had the use of it,—No!

2. If there is doubt concerning these conditions,—Yes, conditionally (Canon 941).

3. If they have lost the use of reason, or have lost consciousness,—Yes, absolutely, if they asked for it previously, or if, at least, it may reasonably be supposed that they would ask for it if they could (Canon 943).

250. *Can this sacrament be conferred on sinners who have given no signs of repentance?*

1. In the case of those who contumaciously persevere in their unrepentance, being in the evident state of mortal sin,—No! (Canon 942).

2. If there is doubt as to these conditions,—Yes, conditionally (Canon 942).

251. *Can it be administered to those who have just died?*

Yes!, in virtue of the teachings of science on “after-life,” or the distinction between real and apparent death.

252. *When should Extreme Unction be given conditionally?*

When there is doubt as to whether (Canons 941–942):

1. The sick person has reached the age of reason or has ever had the use of reason.

2. The sick person is really in danger of death.

3. The sick person has expired.

4. The sinner is unrepentant.¹ (See above).

253. *Should we wait till the sick person is at the point of death before administering Extreme Unction?*

No! Care should be taken to see that he receives the sacrament while he has full possession of his senses (Canon 944).

254. *May Extreme Unction be given more than once?*

1. Not in the same sickness.

2. Yes, if the sick man, after a period of convalescence, relapses into a new danger of death (Canon 940, § 2). In case of doubt, when the sickness lasts for a long time, Extreme Unction should be repeated.

¹ As a matter of fact, there are but two conditional formulas which can be used in the administration of Extreme Unction, namely: *Si vivis*, and *Si es capax*.

CHAPTER III

The Rites and Ceremonies of Extreme Unction

255. *Must all the anointings be given?*

We must distinguish (Canon 947):

1. Apart from cases of necessity,— Yes! (§ 1). However, the anointing of the loins should in all cases be omitted, and, for any reasonable motive, the anointing of the feet also (§ 3).

2. In cases of necessity,— one single anointing on any one of the senses (preferably, however, on the head) will suffice (Canon 947, § 1).

256. *What form is to be used in case of necessity?*

The following: "*Per istam sanctam unctionem indulgeat tibi Dominus quidquid deliquisti. Amen.*" (Decree of the S. Off., April 23, 1906. Rit. Rom., edition of June 11, 1913).

257. *What is to be done, in case of doubt as to the subject's death?*

The regular anointings, with their proper formulas, should be supplied unconditionally, after the *forma brevior* has been given conditionally (Canon 947, § 1; S. Off., March 9, 1907).

258. *Is it permitted to use an instrument to give the anointings?*

Outside of grave necessity, the priest must give the anointings with his own hand (Canon 947, § 4).

259. *What oil is to be used for Extreme Unction?*

Oleum Infirmorum, which is olive oil, blessed for this special purpose by the Bishop, or by a priest who has received this power by an indult from the Holy See (Canon 945).

260. *In case the Oleum Infirmorum is exhausted, and there is urgent necessity, is it allowed to use the Oleum Catechumenorum, or the Sanctum Chrisma blessed by the Bishop?*

Yes!, at least conditionally; in such a case the validity of the sacrament is probable, but doubtful. (The opinion of theologians.)

261. *In such a case, what is to be done when the Oleum Infirmorum is once more available?*

The Sacrament must be repeated conditionally.

262. *If the Holy Oils were not available, could a priest use unblessed oil, blessing it himself for this purpose?*

No!, not even in case of extreme necessity. (S. Off., May 15, 1878.)

SECTION VI—HOLY ORDERS¹

CHAPTER I

The Subject of Ordination²

263. *Who has the right to judge of the fitness of candidates for Holy Orders?*

The Ordinary of the place of domicile of the subject (Canons 968-971; 974, § 3).

264. *Is it permitted to compel a subject to enter the clerical state, or to prevent him, if he possesses the required canonical dispositions?*

No! "*Nefas est quemquam, quovis modo, ob quamlibet rationem*". . . (Canon 971).

265. *Is it necessary to make a Seminary course, to be ordained?*

1. As to the Petit Seminaire, it is greatly to be desired.

2. As to the Grand Seminaire, it is obligatory, at least during the theology course, unless by express dispensation from the Ordinary for serious reasons.

266. *May Tonsure or Minor Orders be given to one who has no intention of becoming a priest?*

No! (Canon 973).

267. *What conditions are required for the liceity of ordination?*

Seven conditions: the previous reception of Confirmation, good morals, canonical age, sufficient knowledge, the previous reception of Minor Orders, interstices, and a *titulus canonicus* for Major Orders (Canon 974).

268. *At what age may ordination be given?*

Subdeaconship at the age of 21 completed; deaconship at the age of 22 completed; and priesthood, at the age of 24 completed (Canon 975).

269. *What conditions are required as to studies?*

To receive tonsure, one must have begun the course of theology; to receive subdeaconship, the third year of theology; to receive deaconship, the fourth year of theology; to receive priesthood, the second half of the fourth year of theology (Canon 976).

270. *What interstices are required between the various Orders?*

According to Canon 978:

¹ In this chapter we consider only those articles of the Code which interest the parish clergy and the faithful, omitting those which more particularly concern the Bishops and the internal government of seminaries.

² According to Canon 950, the words "ordain, order, ordination, sacred ordination," include the episcopal consecration, the major and minor orders, and even tonsure, unless it is excluded by the matter under discussion or by the context.

1. Between Tonsure and the Order of *Ostiarius*, according to the judgment of the Bishop; but not both at the same time, without special permission from the Roman Pontiff.

2. Between the various Minor Orders, according to the judgment of the Bishop; but not at the same time, without a special dispensation from the Pope.

3. Between the Order of Acolyte and Subdeaconship, an interval of at least a year, unless the Bishop considers that necessity or the need of the Church demands the shortening of that period; but not both on the same day, without a special dispensation from the Pope.

4. Between Subdeaconship and Deaconship, and between Deaconship and Priesthood, a minimum interval of three months, unless the Bishop considers that necessity or the need of the Church demands the shortening of that period; but not on the same day, without a special dispensation from the Pope.

271. *What is the titulus canonicus for the diocesan clergy?*

Beneficium, or *patrimonium*, or *pensio* (Canon 979), or *servitium dioecesis*, or *servitium missionis* (Canon 981).

CHAPTER II

Irregularities or Impediments for Holy Orders

272. *What is meant by "irregularities"?*

Permanent impediments to the reception or exercise of an Order (Canon 983).

273. *How many classes of irregularities are there?*

1. Irregularities arising from defect.

2. Irregularities arising from crime (Canon 983).

274. *Who incur irregularity ex defectu?*

According to Canon 984:

1. Illegitimate children, unless they have been afterwards legitimized, or have taken solemn vows.

2. Those who are prevented by bodily infirmity from safely and fittingly performing the ministry of the altar.

3. Epileptics, the insane, and the possessed.

4. Those who have contracted successively more than one valid marriage.

5. Those declared infamous by the law.

6. A judge who has passed a death sentence.

7. A hangman, and his voluntary aids and assistants.

275. *Who incur irregularity ex crimine?*

According to Canon 985:

1. Apostates, heretics, and schismatics.
2. Those who, outside of cases of necessity, have *scilicet* been baptized by non-Catholics.
3. Those who have dared to attempt marriage, even civilly, when they were prevented by a previous valid marriage, or by any vows of religion; or who have attempted marriage with other persons bound by the same impediments.
4. Any wilful murderer; the author of an effective abortion, and his accomplices.
5. Those who have mutilated themselves; those who have attempted suicide.
6. Clerics who have practiced surgery or medicine, in contravention of the prohibition of authority, if death followed from such practice.
7. Those who have performed an act reserved to a Sacred Order, without having received that Order, or after having been deprived of the exercise of it by an ecclesiastical penalty.

276. *When do the above offenses beget an irregularity?*

When they are grievous sins, committed after Baptism (except in Case 2), and when they are external (Canon 986).

277. *Who are impeded — temporarily — from the reception of Holy Orders?*

According to Canon 987, there are seven impediments:

1. Children of non-Catholics so long as their parents persevere in their error,¹ (sons, in the strict sense of the word, i. e., in the first degree). (Pont. Com. for the Auth. Interp. of the Code, July 14, 1922).
2. Married men.
3. Those who exercise an office forbidden to clerics, until they give up that office.
4. Slaves, before being freed.
5. Those who are subject to the civil law or ordinary military service, until they have fulfilled that obligation.
6. Neophytes, unless the Ordinary considers them to be sufficiently tested.
7. Those who have a bad reputation, so long as, in the judgment of the Ordinary, that reputation persists.

¹ According to the Pontifical Commission for the Authentic Interpretation of the Code, Oct. 16, 1919:

1. This impediment exists even when only one of the parents, the father or the mother, is a non-Catholic. And this, even if for the parents' marriage a dispensation *mixtae religionis* or *disparitatis cultus* was secured, and even if the required pledges were made.

2. In order that the impediment may cease, it is necessary that both parents, the father and the mother, be Catholics.

278. *Does ignorance excuse from irregularities or impediments to Holy Orders?*

No! (Canon 988).

279. *Who has the right to dispense from impediments to Holy Orders?*

1. From simple impediments and irregularities *ex defectu*,— the Sovereign Pontiff, except Nos. 6 and 7, which the Code leaves to the judgment of the Ordinary.

2. From irregularities *ex crimine*:

A. If the irregularity is public,— the Sovereign Pontiff.

B. If it is occult,— :

(1). The Bishop can dispense from it, except in the case of wilful murder and effective abortion, and, so far as the other cases are concerned, when the crime has not been referred to the courts (Canon 990, § 1).

(2). The confessor has the same power, in urgent cases, if it is impossible to have recourse to the Ordinary, and if there is reason to fear grave damage or infamy; but this can be only for the purpose of permitting the licit exercise of orders already received (Canon 990, § 2).

280. *What rules are to be followed in asking for dispensations from irregularities or impediments to Holy Orders?*

According to Canon 997:

1. Enumerate all the cases!— If this is not done, then the general dispensation:

A. if the omission was made in good faith,— is good for all the cases, with the exception of homicide and abortion;

B. if the omission was made in bad faith,— does not apply to the cases omitted.

2. In cases of homicide, state, under pain of nullity, the number of sins committed.

CHAPTER III

Ordinations

Canons 992–1010 refer especially to Bishops and Seminaries. There are only a few of those canons that demand the consideration of pastors.

281. *What steps should be taken to make sure that the ordinandi are worthy to receive Holy Orders?*

The pastor should publish the banns of ordination, and make the inquiry prescribed by the Bishop.

282. *Under what conditions should the banns of ordination be published?*

According to Canon 988:

1. As a general rule,—for each Sacred Order, public announcement is to be made of the names of the *ordinandi* in their own parishes on a holyday of obligation during the Mass, or on some other day and at some other time, when there is a large attendance in the church.

2. By special regulation,—left to the discretion of the Ordinary, he may dispense from these publications, or command that they be published in other churches also, or substitute for them the posting of the names on the doors of the church for a term of days, including at least one day of obligation.

283. *What is the purpose of these publications?*

It is to discover if there is any canonical impediment to the ordination. Hence the faithful are bound in conscience to disclose to the Ordinary (or to the pastor) the impediment or impediments of which they have knowledge (Canon 999).

284. *What inquiry should be prescribed by the Ordinary concerning candidates for Holy Orders?*

1. He should command the pastor who publishes the banns, and one other also, if he sees fit, to inquire carefully from trustworthy persons as to the morals and mode of life of the *ordinandi* (Canon 1000, § 1).

2. He should make other inquiries, even privately, if he deems them necessary or opportune (Canon 1000, § 2).

285. *What should the pastor do after publishing the banns of ordination?*

He should forward to the Bishop a certificate showing the result of the publication and inquiry (Canon 1000).

286. *What is to be done in case the ordination is delayed?*

If it is delayed more than six months, the publication of the banns should be repeated, unless the Ordinary judges differently (Canon 998, § 3).

287. *Should notation of the Orders received be made in the parish records?*

For every subdeacon, the proper entry should be made in the Baptismal Register (Canon 576).

SECTION VII—MATRIMONY¹

PREAMBLE

Certain General Principles²

1. Marriage enjoys the favor of the law. In case of doubt, every marriage is considered valid until the contrary is proven (Canon 1014).
2. If the married couple have lived together after the celebration of the marriage, it is presumed that the marriage has been consummated, until proof to the contrary³ has been furnished (Canon 1015, § 2).

Questions to be considered:

1. Betrothals (*sponsalia*).
2. The Formalities Preliminary to Marriage.
3. The Impediments of Marriage.
4. The Celebration of Marriage.
5. The Effects of Marriage.
6. Separation *de mensa et thoro*.

CHAPTER I

Betrothals (*Sponsalia*)288. *What is meant by "sponsalia"?*

A promise of marriage, unilateral (made by only one of the parties), or bilateral (made by both parties) (Canon 1017, § 1).

289. *What conditions are necessary for the validity of the sponsalia?*

The promises of marriage must be made in writing; and they must be signed

1. by both parties; and

¹ Since the Code has no retroactive effect, betrothals and marriages are subject to the Canon Law which was in force at the moment when they were contracted (Pont. Com. for the Int. of the Code, June 3, 1918). Bear in mind that the New Code has been in force since May 19, 1918.

² Canons 1012-1016 treat of the general principles of moral and dogmatic theology, which do not call for consideration here.

³ The following are the chief cases in which this presumption may arise:

1. If, in a case of disparity of worship, it is commonly believed at the time of the marriage, that the two parties were baptized; or if, at the very least, their baptism was doubtful (Canon 1070, § 2).
2. After the age of puberty is reached (14 years for boys, 12 years for girls), ignorance concerning the nature of marriage is not presumed (a permanent union between a man and a woman for the purpose of procreating children) (Canon 1082, § 2).
3. The internal consent of the mind is always presumed to be in conformity with the words or signs employed in the celebration of the marriage (Canon 1086, § 1).

2. by either the pastor or the Ordinary, or by at least two witnesses (Canon 1017, § 1).

290. *What is to be done if the parties (one or both) do not know how to write?*

In order that the promises may be valid:

1. This impossibility must be mentioned in the document.
2. Another supplementary witness must be called in to sign the document.

291. *What are the effects of valid sponsalia?*

1. They furnish grounds for an action before the courts¹ against the unfaithful party, not indeed to compel him to fulfill his promise, but to oblige him to pay damages if the circumstances warrant it (Canon 1017, § 3).

2. No impediments arise from *sponsalia*; neither the diriment impediment of *publica honestas*, nor any prohibitive impediment regarding marrying anyone else.

292. *Does a suit for damages against the unfaithful party suspend his right to marry someone else?*

No! (Pont. Com. for the Interp. of the Code, June 23, 1918).

293. *If the sponsalia were drawn up before the promulgation of the New Code (May 19, 1918), do they furnish grounds for a suit against the unfaithful party to compel him to keep his promise?*

No!—by an express derogation from the general principle laid down in Note 1, page 76 (Pont. Com. for the Interp. of the Code, June 2-3, 1918).

CHAPTER II

Formalities Preliminary to Marriage

Questions to consider:

1. Whose duty is it to see to them?
2. What are they?

WHO MUST TAKE CARE OF THE FORMALITIES PRELIMINARY TO MARRIAGE?

294. *Whose duty is it to see to these formalities?*

Normally, it is the duty of the pastor who has the right to assist at the marriage, (Canon 1020, § 1), subject to the supervision and control of the Ordinary of the place, who has the right to make special rules concerning these formalities (§ 3).

¹ This action pertains at one and the same time to the ecclesiastical and the civil court (Pont. Com. for the Int. of the Code, June 23, 1918).

295. Which pastor has the right to assist at the marriage, and hence, the duty to see to these formalities?

1. As a general rule:

A. For the marriage of Catholics belonging to the same rite,—it is the pastor (or Ordinary) of the bride (Canon 1097, § 2), that is, the pastor or Ordinary of the place where she has her domicile or quasi-domicile, or her residence for over a month, or even, in the case of *vagi*, her actual residence.¹ (Canon 1097, § 1, No. 2).

B. For the marriage of Catholics of different rites,—it is the pastor of the groom (Id.).

2. If there is any just reason for the parties' not observing the general rule,—the pastor of the groom may officiate. According to the best canonists, there would be a just reason (unless diocesan regulations prescribed the contrary) for giving the preference to the groom, whenever the bride is a non-Catholic.

3. Moreover, if there is a grave reason for the parties not to contract marriage before the pastor of either of them (v. g., the regularization of a marriage in the course of a journey), the pastor of the place may officiate, provided he has secured the permission of the pastor or Ordinary of the bride (Canon 1097, § 1, No. 3).

296. In what case is the direct intervention of the Bishop necessary for these formalities?

In five cases:

1. In the marriage of strangers:

¹ According to Canon 92:

1. A domicile is acquired by residence in a place (parish or diocese), either with the intention of continuing to reside there if no reason presents itself for removal, or simply prolonged for the space of ten years (§ 1).

2. A quasi-domicile is acquired by residence in a place, either with the intention of continuing to reside there for at least the greater part of the year if no reason presents itself for removal, or simply prolonged as a matter of fact for the greater part of the year (§ 2).

Remark here certain other regulations of the Code:

A. Minors (those who have not yet accomplished their 21st year) (Canon 88, § 1) have as their domicile, the domicile of their parents or guardians (Canons 89 and 93, § 1). However, when they outgrow the period of infancy (at the age of 7 years past, Canon 88, § 3), they can have their own quasi-domicile (Canon 93, § 2); this is the case with students, soldiers, domestics, etc.

B. In like manner, a married woman has the same domicile as her husband (Canon 93, § 1), but may also have her own quasi-domicile (§ 2). Moreover, a wife who is lawfully separated from her husband, can have her own domicile (§ 2). Not so, however, the wife who is abandoned *malitiose* by her husband, until she has secured from the ecclesiastical judge a decree of separation (either perpetual or for an indeterminate period). (Pont. Com. for the Int. of the Code, July 14, 1922).

C. The person who has only a diocesan domicile or quasi-domicile, has as his pastor, the pastor of the place where he is actually residing at a given moment (Canon 94, § 3).

D. A domicile or quasi-domicile is lost—unless it is a question of wives, insane people or minors, all of whom continue to possess the domicile of their husbands or guardians—by departure from a place with the intention of not returning to it (Canon 95).

- A. If, after puberty (14 years completed for boys, and 12 years completed for girls), the parties have lived together for more than six months in a place, the case should be laid before the Bishop, to know whether the banns should be published or an investigation made as to their freedom to marry¹ (Canon 1023, § 2).
- B. When the pastor suspects that even during a stay of less than six months in a place, one of the parties has contracted an impediment, he should consult the Ordinary on the course to follow (Canon 1023, § 3).
2. In the marriage of *vagi*: Outside of cases of necessity, the pastor cannot officiate at the marriage of those who have no domicile or quasi-domicile (*vagi*), without referring the matter to the Ordinary or to his delegate (Canon 1032).—Note that certain travelling workmen are to be numbered amongst this class (S. C. Sacr., June 26, 1921, No. 4).
3. In cases of doubt² as to the impediment:
 - A. If any prudent doubt arises as to the existence of an impediment, the pastor should consult the Ordinary before officiating at the marriage.³ (Canon 1031, § 1, No. 3). Especially in the case of immigrants, he should not officiate at their marriages, in case of doubt, outside the danger of death, without consulting the Ordinary of the place (S. C. Sacr., June 26, 1921, No. 4).
 - B. If the pastor discovers a certain impediment (public or occult) during the course of the publication of the banns, he should refer the matter to the Ordinary (Canon 1031, § 2, Nos. 1 and 2).
4. In the marriage of minors: Before officiating at the marriage of minors⁴ who wish to be married without the knowledge, or against the wishes of their parents, the pastor should consult the Ordinary (Canon 1034).
5. In the marriage of newly-baptized persons who wish to avail themselves of the Pauline Privilege (case of the Apostle): their

¹ This recourse to the Ordinary is always obligatory, even when one of the parties, after the age of puberty, has resided for more than six months in distant lands, from which it is difficult to obtain a certificate of his freedom to marry, and when, nevertheless, the celebration of the marriage is urgent (Pont. Com. for the Int. of the Code, June 23, 1918).

² This case refers particularly to the marriage of divorcés, who assert either that their first marriage was a purely civil marriage, or that the Church has given them back their freedom.

³ For this case and the following one, the Code gives detailed instructions as to how to proceed. (See page 81, concerning the publication of the banns).

⁴ According to the Code (Canon 88, § 1), a minor is one who has not yet accomplished his 21st year. There is no distinction made as to sex.

interpellation should be made through the Ordinary, or under his direction (Canon 1122, § 1).

297. *Can a pastor (or Ordinary) give a priest authorization to officiate at a marriage on his own responsibility, without having first seen to the fulfillment of all the preliminary formalities?*

No! (Canon 1096, § 2).

298. *What is to be done in case the danger of death prevents the fulfillment of all these formalities?*

In such a case, in default of other proofs, and providing there are no indications to the contrary, it is enough that the contracting parties declare under oath that they are baptized, and that they are not under any impediment (Canon 1019, § 2).

WHAT ARE THE FORMALITIES PRELIMINARY TO MARRIAGE?

299. *What of the formalities preliminary to marriage?*

1. Their purpose,—is to see that nothing shall interfere with the valid and licit celebration of the marriage. (Canons 1019; 1020, § 1).

2. They are — : the Inquiry of the Pastor, the Furnishing of the Baptismal Certificate, and the Publication of the Banns.

I. THE INQUIRY OF THE PASTOR

300. *How should this inquiry be made?*

By prudently questioning the contracting parties, separately if necessary (Canon 1020, § 2).

301. *What is the subject-matter of this inquiry?*

According to Canon 1020, § 2:

1. All possible impediments.

2. The freedom of consent (particularly on the part of the bride).

3. The sufficient degree of religious instruction.¹

302. *Who has the right to lay down rules concerning this inquiry by the pastor?*

The Ordinary of the place (Canon 1020, § 3).

303. *What must the pastor do to insure, so far as he can, the worthy reception of the sacrament of marriage?*

He must, if the condition of the parties demands it, instruct them concerning the sanctity of marriage, their obligations to each other

¹ Persons who are about to marry, and who are ignorant of their religion, must be given instructions in at least the rudiments of Christian doctrine. But the fact that they are ignorant does not constitute them public sinners, and therefore to be denied marriage if they refuse to take instructions (Pont. Com. for the Int. of the Code, June 2-3, 1918).

and to their children; he should, moreover, earnestly exhort them to make a good confession and a worthy Communion before being married (Canon 1033).

2. PRESENTATION OF THE BAPTISMAL CERTIFICATE

304. *How shall the pastor make certain that the contracting parties have been baptized?*

If they were not baptized in the place where they are to be married, he shall demand of each of them a Baptismal Certificate; (from the Catholic party only, if one is a non-baptized non-Catholic) (Canon 1021, § 1; S. C. Sacr., June 26, 1921).

305. *In what form should this Certificate be furnished?*

1. As a general rule,—as a copy of the entry in the Baptismal Register.

2. In exceptional cases,—as the testimony of a trustworthy person, or the sworn statement of the contracting parties, if they were baptized as adults (Canon 779).

306. *From whom should this Baptismal Certificate be secured?*

To be on the safe side, it should be gotten from the pastor of the contracting parties, through the Chancery of the Ordinary of the place (S. C. Sacr., June 26, 1921, No. 3).

307. *What is the reason for exacting a Baptismal Certificate for marriage?*

1. To make certain that the contracting parties are really Christians, and capable of receiving a sacrament.

2. To find out whether there is any impediment of *Religio Mixta* or *Disparitatis Cultus*.

3. To ascertain whether there is any spiritual relationship existing between the contracting parties.

4. To learn to which parish notification of the marriage must be sent after the ceremony.

5. To discover any existing anterior marriage by means of a recent certificate.

N. B. 308. *Is it necessary to have been confirmed before being married?*

No! But Catholics should receive Confirmation before marriage, if it can be done without serious inconvenience (Canon 1021, § 2).

3. THE PUBLICATION OF THE BANNS

309. *What is the purpose of publishing the banns of marriage?*

To discover any existing impediments of marriage (Canons 1022, 1027).

310. *When should the banns be published?*

On three consecutive Sundays or holydays of obligation; in the church; during the Solemn Mass; or at other services to which the people come in large numbers (Canon 1024).

311. *Are there cases in which the publication of the banns should be omitted?*

For marriages contracted with a dispensation "*disparitatis cultus*" or "*mixtae religionis*" (Canon 1026). However, the Ordinary may permit the publishing of banns for such marriages, if he sees fit, provided that no scandal is thereby given, that the dispensation from Rome has first arrived, and that there is no mention of the religion of the non-Catholic party (Canon 1026).

312. *Can the Ordinary dispense from the publishing of the banns?*

1. Within his own territory,— he can substitute for it the posting of the names of the contracting parties on the door of the church (parochial, or otherwise), for at least eight days, including two Sundays or days of obligation (Canon 1025).

2. He can, for a just reason, if he sees fit, dispense from the publishing of the banns,¹ even from those which are to be made in another diocese (Canon 1028, § 1). If the contracting parties belong to more than one Ordinary, this right belongs to the one in whose diocese the marriage is to be celebrated; if it is to be celebrated in neither of these two dioceses, then all the Ordinaries can dispense from the publishing of the banns (§ 2).

313. *What is to be done in case of doubt as to the existence of an impediment?*

1. The pastor should question at least two trustworthy witnesses (unless it is an infamous impediment), and, if need be, question the parties themselves (Canon 1031, § 1, No. 1).

2. He should begin, or complete, as the case may be, the publishing of the banns (No. 2).

3. If he prudently considers that some doubt still remains, he should not officiate at the marriage without consulting the Ordinary (No. 3).

314. *What should the pastor do if he discovers an impediment that is certain?*

1. If the impediment is occult,— he should make the publications, and refer the matter (without mentioning the names), to the Ordinary or to the S. Poenitentiary (Canon 1031, § 2, No. 1).

2. If it is public (Canon 1031, § 2. No. 2),—:

A. Either it is discovered *before* the beginning of the publications,— and in this case, the pastor should not proceed further until the impediment has been removed *in foro externo*;

¹This dispensation is to be applied for especially in marriages of conscience (Canons 1104-07).

B. Or it is discovered after the first or second publication,—and then the pastor should finish the proclamations, and refer the matter to the Ordinary.

315. *What is to be done in case a third person objects to a marriage after the contracting parties have requested the publication of the banns?*

The pastor should pay no attention to such objections unless they disclose some real impediment. If there is no impediment, the consent of the contracting parties is all that is required for the validity of the marriage; and on the other hand, even the promise of marriage is not sufficient grounds to prevent marriage with a third person.

316. *What should be done to make sure that the publishing of the banns shall have the desired effect?*

The faithful should be instructed concerning the grave obligation they are under to reveal marriage impediments of which they may have knowledge (Canon 1027).

317. *If the pastor who has made the inquiry and published the banns is not to officiate at the marriage, what should he do?*

He should, without delay, notify the pastor who is to officiate, of the results of these formalities (Canon 1029).

318. *What should be done in case the marriage is postponed?*

If it is postponed for more than six months, the publications of the banns should be repeated, unless the Ordinary decides otherwise (Canon 1030, § 2).

CHAPTER III

Matrimonial Impediments

1. General Principles.
2. List of the Different Impediments.
3. Dispensation from Impediments.

GENERAL PRINCIPLES

1. GENERALITIES; DEFINITION, KINDS, EXISTENCE, ORIGIN

319. *What is a matrimonial impediment?*

It is a serious obstacle to the contracting of marriage (Canon 1036, §§ 1, 2).

320. *How many kinds of matrimonial impediments are there?*

We may distinguish them from various points of view:

1. With respect to their *cause*:¹
 - A. Some are caused by a previous act or state, which makes the parties incapable of contracting marriage.
 - B. Others are caused by a defect inherent in the contract of marriage, considered:
 - (1). Either in the consent of the parties (defects on the part of the intellect or of the will);
 - (2). Or in the form required in order that the consent may produce its effect (defects of form).
2. With respect to their *origin*,² according as they are in opposition:
 - A. Either to the very nature of marriage (an impediment of the natural law);
 - B. Or to a positive command of God (an impediment of the divine law);
 - C. Or to a positive law of the Church (an impediment of the ecclesiastical law).
3. With reference to their *effects*:
 - A. Some do *not* render null the marriage that is entered into without a dispensation (these are the prohibitive impediments, *impedientes*);
 - B. Others *do* render such marriages null and void (these are the diriment impediments, *dirimentes*);
4. With reference to their *publicity* (Canon 1037):
 - A. An impediment is public, when it can be proven *in foro externo*.
 - B. It is occult, when it cannot be proven *in foro externo*.
5. With reference to the *difficulty of securing a dispensation*:³
 - A. Of minor degree,— five in number, namely: consanguinity in the third degree in *linea collateralis*; affinity in the second degree in *linea collateralis*; *publica honestas* in the second degree; spiritual relationship; *impedimentum criminis* arising from adultery with promise of, or attempt at marriage, even by an act that is purely civil.
 - B. Of major degree,— all the other impediments.

¹ According to the terms of the Code, only the first of these categories includes impediments properly so called (Book III, Chapters 3 and 4); and this is perfectly correct, if we take the word *impedimentum* in its literal sense of an obstacle which prevents in advance the exchange of consent by the contracting parties. The two other categories do not prevent this exchange of consent (at least outwardly), but are intrinsic defects, by reason of which the exchange of consent does not produce the desired effects.

Nevertheless, since this distinction does not in any way change the effect of these obstacles, we may continue to speak of them generally as "impediments".

² When, further on, we take up the impediments singly, we shall state what is the special origin of each of them, as far as is possible.

³ We shall see, on page 111, the practical importance of this distinction, when we consider dispensations from impediments.

6. With reference to their *generality*:

- A. Impediments properly so called, if they are established *per modum legis*, applicable to the whole Church, or to a whole group (nation, province, diocese).
- B. *Vetitum Ecclesiæ*, or special prohibition, when, for a just cause, and for a specified time, the Church forbids the celebration of marriage.¹

321. *When does a matrimonial impediment bind?*

When the prohibition to contract marriage affects at least one of the contracting parties (Canon 1036, § 3).

2. ORIGIN OF IMPEDIMENTS

322. *Who possesses power over matrimonial impediments?*

We must distinguish:

1. For impediments of the natural law, and the divine positive law,—the Pope alone can authentically declare whether these impediments are diriment or prohibitive (Canon 1038, § 1).

2. For impediments of the ecclesiastical law,—

A. Impediments properly so called,—only the Pope can establish these, for baptized persons, and *in forma legis universalis vel particularis*² (Canon 1038, § 2). And he alone can abrogate or derogate from them (Canon 1040).

B. The *Vetitum Ecclesiæ* pertains to the Pope for the Church at large; to the Ordinary for all those who reside in the territory under his jurisdiction, and for all his subjects wherever they may be (Canon 1039, § 1). But only the Holy See can add to this prohibition the clause of nullity (§ 2).

LIST OF MATRIMONIAL IMPEDIMENTS³

1. Prohibitive (*impedientes*).

2. Diriment (*dirimentes*).

I. PROHIBITIVE IMPEDIMENTS

323. *Which are the Prohibitive matrimonial impediments?*

They may be divided as follows:

1. Impediments *de jure generali*:

¹For instance, the prohibition which forbids a minor to marry against the wishes of his parents (Canon 1034). Or, the order to delay a marriage so long as there is suspicion of an impediment, or fear of scandal.

²Every custom which would establish a new impediment, or which would be contrary to an existing impediment, is condemned (Canon 1041).

³In conformity with Note 1 on page 84, the word "impediment" is used here in the traditional sense, a sense wider than that which the word "impediment" has in the Code. It is taken to mean every obstacle which calls for a dispensation from ecclesiastical authority.

- A. Three of these are opposed to marriage itself, namely: the simple vow of chastity, mixed religion, and (particularly in France) legal adoption.
 - B. One is opposed to the solemnization of marriage, namely ferial time.
2. The Special Prohibition of the Church (*Vetitum Ecclesiæ*).

SIMPLE VOWS

324. *What is meant by Simple Vows?*

Those which the Church has not recognized as solemn (Canon 1308, § 2); that is, those which have not been taken on the occasion of the profession, properly so called, of a Religious Order.¹

325. *Which are the simple vows which constitute a prohibitive matrimonial impediment?*

The vow to observe virginity or perpetual chastity; the vow not to marry; the vow to receive Sacred Orders, or to embrace the religious state (Canon 1058, § 1).

326. *What is the origin of these impediments?*

They are *de jure naturali et divino*, and are sanctioned by the Church.

327. *Can simple vows ever produce a diriment impediment?*

Yes!, when the Apostolic See has so decided by a special prescription applicable to certain persons (Canons 1058, § 2; 1073).

328. *What are the cases in which this may occur?*

There are two cases:

1. Simple vows taken in the Society of Jesus after a novitiate of two years (Const. of Greg. XIII, May 25, 1584).
2. The simple vow of chastity taken by a woman to permit her husband to enter Sacred Orders (The opinion of theologians).

MIXED RELIGION

329. *What is meant by Mixta Religio?*

The case where one of the parties is a Catholic, and the other is a member² of a heretical or schismatical sect (Canon 1060).

330. *What is the origin of this impediment?*

1. *De se*, it is *de jure ecclesiastico*.

¹ From its definition (Canon 488, § 2), the word *Ordo* refers to Orders with solemn vows, while religious societies in which the members take only simple vows, are called "religious congregations", or simply "congregations".

² Anyone who has not formally joined a heretical sect, does not fall under the ban of this ecclesiastical law, altho he may be *de facto* a heretic. A Catholic could, therefore, marry such a one without a dispensation. But the divine law can forbid such a marriage because of the danger of perversion (See further on, Canon 1065).

2. Nevertheless, it is *de jure divino*, if there is any danger of perversion for the Catholic party and for the children¹ (Canon 1060).

331. *What is the force of this impediment?*

It binds everywhere (*ubique*, Canon 1060), and admits of no compromise or contrary custom.

N.B. There is a close kinship between the impediment of mixed religion and the marriage of a Catholic with an "unworthy" person.

332. *What is meant by "unworthy" in this connection?*

1. One who is a notorious apostate, who has notoriously rejected the Catholic faith, or has joined a society condemned by the Church (Canon 1065, § 1).

2. A public sinner who refuses to go to confession before being married (Canon 1066).

3. The sinner who is notoriously under a censure, and who refuses to be reconciled to the Church before being married (Canon 1066).

333. *Does the "unworthiness" of one of the parties produce a matrimonial impediment?*

No!, not an impediment properly so called; but the Church urges Catholics not to marry notorious apostates (Canon 1065, § 1).

LEGAL ADOPTION

334. *When and how does adoption become a matrimonial impediment?*

It is an impediment in those countries where the civil law prohibits marriage because of adoption, on account of the legal relationship that results from it. This impediment partakes of the nature of the civil impediment which conditions it; it is prohibitive where the civil impediment is prohibitive (Canon 1059); it is diriment, where the civil impediment is diriment (Canon 1080).

FERIAL TIME

335. *What is meant by Ferial Time in this connection?*

It includes two periods (Canon 1108, § 2):

1. From the first Sunday of Advent to Christmas day inclusive.

2. From Ash Wednesday to Easter Sunday inclusive.²

336. *What is the force of this impediment?*

It forbids, not marriage itself, which can be contracted at any time (Canon 1108, § 1); but merely the giving of the solemn nuptial blessing (§ 2).

¹ In case of certain danger of perversion, the Church herself could not dispense from this divine law (See further on, "Dispensations").

² This is a modification of the former regulations, which forbade the solemnization of marriage from the first day of Advent to the feast of the Epiphany, and from Ash Wednesday to Quasimodo Sunday.

337. *What is the origin of this impediment?*

It is *de jure ecclesiastico*.

338. *Can a Bishop forbid the exchange of the marriage vows during the ferial time?*

No! According to Canon 1108, § 1, there is no time prohibited (or closed) for marriage itself. On the contrary, Canon 1041 condemns every custom which would tend to introduce a matrimonial impediment not contained in the Code.

SPECIAL PROHIBITION OF THE CHURCH (*Vetitum Ecclesiæ*)

See above, page 86.

2. DIRIMENT IMPEDIMENTS¹

339. *Which are the Diriment Matrimonial Impediments?*

They are 19 in number, arising from:

1. An act or state anterior to the marriage, which renders the parties incapable of contracting marriage (12 cases).

2. A defect inherent in the contract, which prevents a real consent from being given (6 cases).

3. The absence of the substantial form required by competent authority (1 case).

INCAPACITY OF THE PARTIES (12 Cases)

340. *Which are the impediments which arise from incapacity of the parties?*

They may be divided into two classes:

1. Absolute,—when they render a person incapable of contracting marriage with anyone. They are, following the order of the Code: lack of age, impotency, previous marriage, Holy Orders, Solemn Vows.

2. Relative,—when they render a person incapable of contracting marriage with some particular person or class of persons. They are, as given by the Code: disparity of worship, abduction or violent detention, crime (adultery and murder of the innocent husband or wife), consanguinity or blood-relationship, affinity, *publica honestas*, spiritual relationship.

¹ According to a decision by the Pontifical Commission for the Interpretation of the Code, June 2-3, 1918, marriages contracted before the promulgation of the New Code (June 3, 1918), and which were null and void because of an impediment which has been abrogated by the new Canon Law, are not rendered valid by the promulgation of the New Code, but must be validated by means of a dispensation, by *sanatio in radice*, etc. For the Code has no retroactive effect.

I. LACK OF AGE.

341. *What age is required to contract a valid marriage?*

16 years past for boys, 14 years past for girls¹ (Canon 1061, § 1).

342. *What is the character of this impediment?*

We must distinguish:

1. Before the age of reason,—it is *de jure naturali* (No consent is possible).

2. After the age of reason,—it is *de jure ecclesiastico*.

343. *Is marriage to be recommended as soon as the above mentioned age is attained?*

No! Altho marriage would then be valid, the pastors of souls should do their best to dissuade young people from marrying before the age customary in the country where they live (Canon 1067, § 2).

2. IMPOTENCY.

344. *What is meant by impotency with regard to marriage?*

The impossibility "*coeundi*", and not necessarily the impossibility "*generandi*" (Canon 1068, § 1).

345. *When is the impossibilitas coeundi a diriment matrimonial impediment?*

When it is anterior to the marriage, and perpetual in one of the parties (Canon 1068, § 1).

346. *To constitute an impediment, is it necessary that it be known to the other party?*

No! (Id.)

347. *Is it necessary that it should be absolute?*

No! It is enough that it is relative. (Id.)

348. *What is the origin of this impediment?*

It is *de jure naturali* (*ipso jure naturæ*).

349. *Is doubtful impotency an impediment to marriage?*

No! (Canon 1068, § 2).

350. *Does sterility constitute an impediment?*

No! (Canon 1068, § 3), whether it is the result of physical constitution, age, or a surgical operation.

3. PREVIOUS MARRIAGE.

351. *When does previous marriage constitute a diriment matrimonial impediment?*

When it has been validly contracted, and has not been dissolved (Canon 1069, § 1).

¹ The New Code, while retaining the ages of 14 and 12 for the presumption of puberty (Canon 88, § 2), demands that the contracting parties shall be two years past these ages before they can contract a valid marriage.

352. *What is the origin of this impediment?*

It is *de jure divino* (the unity and indissolubility of marriage).

353. *Is it necessary that the previous marriage should have been consummated, in order that this impediment should exist?*

No! (Id.)

354. *When a previous marriage has been declared null, or is dissolved, can the parties contract a new marriage?*

We must distinguish (Canon 1069, § 2):

1. Validly,— yes!

2. Licitly,— only when the nullity or dissolution of the previous marriage, established by regular and certain proof, is promulgated by the Ordinary.

4. HOLY ORDERS.

355. *When does this impediment exist?*

As soon as the sacrament of Holy Orders has been received (Canon 1072).

356. *What is the origin of this impediment?*

It is *de jure ecclesiastico*.

N. B. Apart entirely from the nullity of the attempted marriage, the cleric in Sacred Orders and his accomplice incur an excommunication reserved *simpliciter* to the Sovereign Pontiff (Canon 2328, § 1). See above, No. 10, page 50.

5. SOLEMN VOWS.

357. *What is meant by Solemn Vows?*

Those which the Church has recognized as such, i. e., perpetual vows taken in Religious Orders properly so called.¹ (See above, page 86, Note 1).

358. *What is the origin of this impediment?*

It is *de jure naturali et divino*, and is sanctioned by the Church.

N. B. 1. Remember that by an express decision of the Sovereign Pontiff even simple vows can constitute a diriment matrimonial impediment (See above, page 86).

2. Remember also that those who are professed with solemn vows, and attempt marriage, incur, together with their accomplices, an excommunication reserved *simpliciter* to the Sovereign Pontiff (See No. 10, page 50).

6. DISPARITY OF WORSHIP.

359. *When does this impediment exist?*

When one of the parties has not been baptized, and the other:

1. Either was baptized in the Catholic Church.

¹ There is no occasion for giving here a list of the Orders which have solemn vows.

2. Or was converted from schism or heresy to the Catholic faith¹ (Canon 1070, § 1).

360. *What is the origin of this impediment?*

The same as for Mixed Religion. That is,

1. *De se*, it is *de jure ecclesiastico*.

2. Nevertheless, it is *de jure divino*, if there is any danger of perversion for the Catholic party and for the children (Canon 1060).

361. *If, at the time of the marriage, the parties were commonly regarded as baptized, or even if their baptism was doubtful, is their marriage to be regarded as valid?*

Yes!, there is a presumption in favor of its validity, until certain proof is adduced of the disparity of worship² (Canon 1070, § 2).

362. *If, after the marriage, the disparity of worship is proven, how are we to regard the marriage contracted in error, or in doubt concerning the impediment?*

It must be regarded as null and void, and must be revalidated³ (Canon 1070, § 2, *ad finem*).

7. ABDUCTION AND VIOLENT DETENTION.

363. *When does this impediment exist?*

1. Abduction occurs when a man carries off a woman⁴ for the purpose of making her his lawful wife by marriage⁵ (Canon 1074, § 1).

2. Violent detention (or sequestration) occurs when, for the purpose of marriage, a man uses violence to keep a woman in the place where she resides, or in a place to which she has gone of her own accord (Canon 1074, § 3).

364. *What is the origin of this impediment?*

1. It is *de jure naturali*, insofar as the abduction or detention hinders freedom of consent.

2. It is *de jure ecclesiastico*, insofar as, under the circumstances described, the Church presumes the absence of freedom of consent.

365. *When does this impediment cease?*

¹ This Canon is a modification of the former discipline, according to which this impediment affected every marriage between an infidel and a baptized person (even a heretic or a schismatic).

² This is an application of the general principle laid down in Canon 1014. (See Note 3, page 76.)

³ According to the former discipline, the certain discovery of this impediment would not entail the nullity of the former marriage, except when, before that marriage, there was doubt as to the baptism of one of the contracting parties.

⁴ If it is a woman who abducts or sequesters a man, there is no impediment. (This question was controverted before the promulgation of the New Code.)

⁵ There is no impediment if the abduction or sequestration of the woman was not done with a view to marriage.

When the person abducted or sequestered is freed from the power of the oppressor (Canon 1074, § 1, No. 3).

366. *How can we know, in practice, when this freedom is realized?*

When the person abducted or sequestered, after being separated from her abductor and restored to a safe place where she is immune to his attempts, consents to marry him (Canon 1074, § 2).

8. CRIME.¹

367. *In what does this impediment consist?*

It is motivated by adultery and the murder of the innocent spouse (conjugicide), either combined, or separately and accompanied by certain circumstances. Hence three different situations may arise, each of which may give rise to the impediment of Crime:

1. Adultery combined with either the mutual promise of marriage or the attempt at marriage according to the Church rite, or before a civil officer² (Canon 1075, No. 1).

2. Adultery combined with the murder of the innocent spouse by one of the accomplices³ (Canon 1075, No. 2).

3. Murder of the innocent spouse, with physical or moral complicity of the guilty pair⁴, even without adultery (Canon 1075, No. 3).

368. *What is the origin of this impediment?*

¹ Adultery, a crime in the canonical sense of the word, is only a misdemeanor according to modern civil law.

Moreover, simple unqualified adultery does not induce the impediment of "crime". There must be present also one of the external circumstances mentioned in Canon 1075.

Nor does it seem that the impediment would arise, if one of the parties thought that he was committing simple fornication.

* This case occurs in three circumstances:

1. When divorcés have contracted civil marriage during the lifetime of their lawful spouses. If these divorcés have maintained adulterous relations, they will have to secure a dispensation from the impediment of crime, to regularize their status on the death of the abandoned spouse.

2. When people have lived together in adulterous concubinage. If it is manifest that, by common agreement, they were waiting for the death of the lawful spouse in order to regularize their status, they have contracted the impediment of crime. If such an intention was not evident, it may be presumed; and a dispensation from this impediment should be asked for *ad cautelam*.

3. When people have committed adultery without concubinage. If it is too difficult and too delicate a matter to arrive at certainty concerning the promise of marriage, a dispensation from the impediment of crime should be asked for *ad cautelam*, if they wish to marry after the death of the lawful spouse.

² This case occurs especially when the guilty parties have been discovered by the innocent spouse, and a duel follows in which the innocent spouse is killed.

It would also occur if one of the guilty parties killed the innocent spouse without the knowledge of the other.

⁴ Remark that, for the creation of the impediment, it is enough, in the second case (adultery and conjugicide), that the murder is committed by one of the guilty pair; while in the third case (conjucide without adultery), the murder must be the result of a conspiracy between the guilty pair.

It is *de jure ecclesiastico*.

N. B. In both cases of conjugicide, the Code does not say whether, to produce the impediment of Crime, it is necessary that it be committed with a view to contracting marriage. The pastor should therefore always ask for a dispensation, at least *ad cautelam*, even if this intention was not manifest.

9. CONSANGUINITY (BLOOD RELATIONSHIP).

369. *What is meant by consanguinity?*

Community of blood between two (or more) persons.

370. *How is consanguinity calculated?*

By lines and degrees (Canon 96, § 1).

1. By lines:—Consanguinity between two persons is either:

A. In the direct line,—when one derives life from the other.

B. Or in the collateral line,—when the two have a common ancestor.

2. By degrees:—according to the number of generations that separate:

A. In the direct line,—the ancestor from his descendant.

B. In the collateral line,—each of the persons from the common ancestor.

371. *How do we reckon the degrees of consanguinity between two persons?*

We must distinguish:

1. In the direct line,—there are as many degrees as there are generations (or persons) without counting the common ancestor (Canon 96, § 2). Thus, between father and son, there is one degree; between grandfather and grandson, two degrees; etc., etc.

2. In the collateral line,—a further distinction must be made: (Canon 96, § 3).

A. If the branches are equal,—there are as many degrees as there are generations between each of the persons and their common ancestor in the direct line. Thus, two brothers are related in the collateral line in the first degree; two cousins-german, in the second degree; the children of cousins-german, in the third degree.

B. If the branches are unequal,—there are as many degrees of relationship between the two persons as there are generations between the common ancestor and the person who is connected with him by the longest line. Thus, uncle and nephew are related in the collateral line in the second degree; son (or grandson) and great-grandson in the same line,

in the third degree; son (or grandson or great-grandson) and great-great-grandson, in the same line, in the fourth degree.¹

372. *When does a multiple relationship exist between two persons?*

In two instances:

1. When they have more than one common ancestor. This can happen in two ways:

- A. If relatives marry persons who are also relatives, then their descendants are related to one another *multipliciter* (1st case).
- B. If one person has successively married several persons who were related, their descendants are related *multipliciter* (2nd case).

2. When, having only one common ancestor, they are connected with him by several lines. This is the case of descendants of relatives who marry each other (3d case).

373. *How shall a pastor ascertain the relationship, simple or multiple, which exists between two persons?*

He should put to each of them, in the order indicated, the following four questions:

1. Are you related on your mother's side, your father's side, or both, to your future wife or husband?

A. If the answer is "On both sides", then there is a multiple relationship (Use the genealogical tree to work this out).

B. If the answer is "On my father's (or mother's) side", then put the following question:

2. Are you related in several ways?

A. If the answer is "Yes", then there is multiple relationship (Use the genealogical tree).

B. If the answer is "No", then put the following question:

3. Did your parents or grandparents marry relatives?

A. If the answer is "Yes", there is a multiple relationship constituting an impediment (Use the genealogical tree).

B. If the answer is "No", then put the following question:

4. Has there ever been a marriage in your family?

A. If the answer is "Yes", perhaps there is a multiple blood-relationship (Use the genealogical tree).

B. If the answer to this fourth question is "No", the inquiry ends with a negative result.

374. *When does consanguinity constitute a diriment impediment?*

¹ This method of reckoning the degrees of collateral relationship, indicated in Canon 96, § 3, differs from the usual procedure only in the terms employed. For instance, uncle and nephew, related in the 1st and 2d degrees, according to the former mode of computation, are considered by the New Code as being related in only the 2d degree; uncle and grand-nephew, formerly related in the 1st and 3d degrees, are now considered as related in the 3d degree, etc.

We must distinguish (Canon 1076):

1. In the direct line,— between all ascendants or descendants, either legitimate or natural (§ 1).

2. In the collateral line,— to the third degree inclusive¹ (§ 2).

375. Does consanguinity “from the 3rd to the 4th degree” constitute an impediment?

No!, by virtue of the principle laid down in Canon 96, § 3 (page 93). In this case, according to the text, there is consanguinity in only the fourth degree.

376. When do multiple relationships beget multiple impediments?

1. When (and as often as) the parties are connected with several common ancestors, to the third degree inclusive² (Canon 1076, § 2). See page 94, 1st and 2d cases.

2. The impediment of multiple consanguinity no longer follows from the multiplicity of ties by which the two parties (or only one of them) are connected with the common ancestor.

10. AFFINITY.

377. What is meant by affinity?

It is the relationship (which results from a valid marriage, even when not consummated³) between one of the married couple and the blood relations of the other (Canon 97, §§ 1 and 2).

378. What is the origin of this impediment?

It is *de jure ecclesiastico* (according to Canon 1043).

379. How is affinity reckoned?

In the same manner as consanguinity. Each of the married couple has affinity with the blood relations of the other, in the same line and the same degree as the other has consanguinity⁴ (Canon 97, § 3).

Thus, a husband has affinity:

¹ Remember, however, that for marriages contracted before the 19th of May, 1918, the 4th degree of collateral consanguinity always constitutes an impediment which must be taken into consideration, either as regards petitions for nullification, or as regards revalidation (See page 76, Note 1).

² According to this Canon, the number of impediments of consanguinity does not follow the number of the branches by which each of the contracting parties, or one of them, is connected with the common ancestor, but only the number of ancestors common to both the parties.

³ This definition of affinity is an innovation in the New Code. Hitherto, affinity resulted not from marriage, but from carnal intercourse; there was no affinity, when the marriage was not consummated; there was illicit affinity, if there was carnal intercourse without marriage.

Henceforth, in practice, the impediment of affinity can exist only between a widower (or widow) and the relatives of the deceased partner.

Note, moreover, that the former legislation still binds those marriages which were contracted before May 19, 1918 (See page 76, Note 1).

⁴ In cases of affinity, the genealogical tree is drawn up just as for cases of consanguinity, with this difference: for consanguinity, it refers to the two contracting parties; for affinity, it refers to the former wives (or husbands) of the widower (or widow) on the one hand, and the person whom the survivor now wishes to marry.

1. In the direct line,— with the ascendants or descendants of his wife; in the first degree, with her mother or daughter; in the second degree, with her grandmother or granddaughter; etc.

2. In the collateral line,— with the collaterals of his wife, distinguishing, as for consanguinity, according as the branches are equal or unequal:

A. If the branches are equal,— he has affinity in the first degree with his wife's sister; in the second degree, with her cousin-german.

B. If the branches are unequal,— according to the principle laid down in Canon 93, § 3, the degree, in cases of unequal branches, is that of the longer branch. Therefore he has affinity in the second degree with his wife's aunt; in the third degree, with her grand-aunt, her grand-niece, the daughter of her cousin-german, etc.

380. *When does multiple affinity occur?*

According to Canon 1077, § 2, it can result from two facts:

1. From the multiplicity of the impediment of consanguinity, from which affinity arises (See page 94).

2. From the fact that a person has successively married blood relations of his dead wife (or husband, as the case may be).

381. *In what degree does affinity constitute a diriment matrimonial impediment?*

According to Canon 1077:

1. In the direct line,— (between one of the married couple and the ascendants or descendants of the other), in any degree whatsoever (§ 1).

2. In the collateral line,— to the second degree, inclusive. Hence, between the husband, for instance, and the sister, aunt, niece, or cousin-german of his wife.

II. PUBLIC HONESTY.

382. *What is meant by Publica Honestas?*

According to Canon 1078¹, it is a family situation which results from:

1. Either an invalid marriage, (consummated or not²);

¹ The New Code has suppressed the impediment of *publica honestas* resulting from betrothals; it has transferred to affinity the impediment which results from a valid non-consummated marriage; and on the other hand, it ranks, amongst the impediments of *publica honestas*, those which result from any invalid union.

² So long as the marriage was considered valid, it was held that there was affinity. When, afterwards, the nullity of a marriage was decided, there was no longer any affinity, but there was none the less a community of life and familiarity between the pseudo-spouses and the relatives of each other. This is the reason for this impediment.

2. Or public and notorious concubinage¹.

383. *What is the origin of this impediment?*

It is *de jure ecclesiastico*.

384. *When does it constitute a diriment matrimonial impediment?*

It is a diriment matrimonial impediment between each of the parties and the blood relations of the other, in the first and second degrees in the direct line (Canon 1078). Thus, in the two cases mentioned above, one of the pseudo-spouses, or one of the concubines, cannot marry the father, grandfather, son, or grandson (or mother, etc., etc.,) of the other.

12. SPIRITUAL RELATIONSHIP.

385. *What is meant by Spiritual Relationship?*

It is a spiritual relation resulting from Baptism or Confirmation; and is similar to the bonds of relationship resulting from community of blood.

386. *When does Spiritual Relationship exist?*

1. As a consequence of Baptism,—it exists between the one baptizing and the baptized, between the godfather and his goddaughter, between the godmother and her godson (Canon 767).

2. As a consequence of Confirmation,—between the person confirmed and his sponsor (Canon 797).

387. *When does Spiritual Relationship constitute a diriment matrimonial impediment?*

When it is the result of Baptism, that is, between the one baptizing and the person baptized, between the godfather and his goddaughter, between the godmother and her godson² (Canon 1079).

¹ This impediment takes the place of the former impediment of illicit affinity, which resulted from illicit carnal intercourse.

The concubinage is public, when there has been a purely civil marriage. It is notorious, when it is known by everybody (each case is to be judged by itself).

Do not confound this case with the first case of "Crime" (See page 92, Note 2). In *Crime*, there is adultery, and marriage is forbidden between the guilty pair. In *Publica Honestas*, arising from concubinage, there is no adultery, and the two guilty ones can marry without a dispensation; but neither of them can marry the relatives (ascendants or descendants) of the other within the 2d degree.

² According to a decision by the Pontifical Commission for the Authentic Interpretation of the Code, June 2-3, 1918, since the Code has no retroactive effect, the spiritual relationship contracted before its promulgation (May 19, 1918)—between the relatives of the person baptized and the person baptizing, between the relatives of the person baptized and the godparents, between the sponsor in Confirmation on the one hand and the person confirmed and his relatives on the other—continues to exist, but ceases to be an impediment to marriage.

It may be well here to recall certain conditions that are necessary in order that Baptism may produce a spiritual relationship:

1. The Baptism must be valid. Hence, spiritual relationship is produced by private baptism, but not by the supplying of the ceremonies, nor by conditional baptism, unless, in these last cases, the person baptizing or the sponsor is the same in both baptisms (Canons 762, § 2; 763, § 3; 768).

2. The sponsor must truly perform the functions of a sponsor. That is to say:

A. He must have been chosen as sponsor, and he must have accepted the office. It is not enough that he has actually performed the functions without having been asked to do so.

B. He must hold the child at the moment of the ablution. Mere presence at the ceremony is not enough; he must carry the person baptized, touch him, or receive him after the ablution. He may act personally, or by means of a proxy appointed by himself.

388. *What is the origin of this impediment?*

It is *de jure ecclesiastico*.

389. *How, in practice, is the impediment of Spiritual Relationship to be discovered?*

By careful scrutiny of the Baptismal Certificates of the contracting parties.

N. B. It may be well to once more call attention to two other diriment impediments, which, in certain circumstances, may prevent a marriage:

1. Adoption (or civil relationship) in countries where the civil law makes this a diriment impediment (Canon 1080).

2. A special prohibition of the Church (*Vetitum Ecclesiae*), to which the Sovereign Pontiff may have attached the clause of nullity (Canon 1039, § 2). See page 87.

DIRIMENT IMPEDIMENTS ARISING FROM A DEFECT INHERENT IN THE MARRIAGE CONTRACT

390. *What is the origin of these impediments?*

They are in direct opposition to the existence of the matrimonial consent (act of the will), by which each of the two parties gives and accepts the right "*in corpus*" (perpetual and exclusive), concerning acts which *de se* tend to procreation (Canon 1081).

They are, therefore, *de jure naturali*, and the positive law has only confirmed and defined them.

391. *Which are these impediments?*

They are of two classes, according as they arise:

1. *Ex defectu intellectus*, namely: lack of reason, ignorance, and error.
2. *Ex defectu voluntatis*, namely: lack of consent, fear or violence, agreements opposed to marriage.

1. LACK OF REASON.

392. *When does this impediment exist?*

It exists in all those who habitually have not the use of reason. They are put in the same class as infants, that is, with those who are not yet seven years old¹ (Canon 88, § 3).

2. IGNORANCE.

393. *When does ignorance prevent the validity of a marriage?*

When the contracting parties (either or both of them) do not know at least this much, that marriage is a permanent union of man and wife for the purpose of bringing children into the world (Canon 1082, § 1).

¹ Nevertheless, if marriage has been contracted, and is afterwards attacked on the grounds of insanity, it is to be held as valid until the contrary is proven (Canon 1014).

394. *Can such ignorance be presumed?*

Not after the person in question has reached the age of puberty¹ (Canon 1082, § 2).

3. ERROR.

395. *How can error enter into a marriage contract?*

There may be error:

1. As to the fact,— or, a false notion of the person one is about to marry. This may be:

A. As to his identity,— as in a case where a woman marries one person, while she intends to marry an entirely different one.

B. As to his qualities.

2. As to the law,— or, a false notion as to what the marriage contract is.

396. *When does error make a marriage invalid?*

We must distinguish (Canons 1083–1084):

1. Error as to the fact concerning the identity of a person,— always renders the marriage invalid (Canon 1083, § 1).

2. Error as to the fact concerning the qualities of a person,—

A. As a general rule,— does not radically vitiate the consent, and hence does not make the marriage invalid, even when it is the determining cause of the marriage (Canon 1083, § 2).

B. However, in exceptional cases,— it partakes of the nature of error as to identity. There are two such cases:

(1). When the error as to qualities is tantamount to error as to identity, that is, when, in the mind of the contracting party, the consideration of a particular quality has absolutely overshadowed and absorbed the substantial consideration of personality (Canon 1083, § 2, No. 1).

(2). When a free person contracts marriage with a person he thinks to be free, but who is a slave in the strict sense of the word (Canon 1083, § 1).

3. Error as to the law,— concerning the nature and properties of the marriage contract.

¹ Recall here:

1. That, according to Canon 88, § 2, the age of puberty remains at 14 years for boys, and 12 for girls.

2. That the Church, in Canon 1067, § 1, limits the impediment of age, by declaring that marriage cannot be contracted validly until two years after the age of puberty (See page 89).

A. Error concerning the nature of marriage is tantamount to ignorance, and renders the marriage null and void (Canon 1082, § 1). See page 98.

B. Error concerning the properties of marriage (unity, indissolubility, or sacramental dignity):

(1). Simple error, the result of lack of knowledge and nothing more, (as in the case of a person who knows what marriage is in a general way, but does not think much about the properties of marriage, and has erroneous ideas concerning them), does not prevent the validity of the marriage, even when that error was the cause of the giving of the consent (Canon 1084). It is true that if this woman, for instance, had thought upon and understood the properties of marriage, she would not have consented to them; but, not considering them, she did consent to them purely and simply, without any reservation.

(2). Exclusive and premeditated error (by which a person will not think of marrying except under the express condition that she does not bind herself beyond the limits of her own erroneous opinions concerning the properties of marriage), makes the marriage invalid. As a matter of fact, in such a case there is a positive exclusion of marriage (Canon 1086, § 2).

C. Error concerning the nullity of a marriage which one knows or wrongly thinks to be affected by a diriment impediment:

(1). Does not annul the consent,—if the contracting parties really intended to marry each other insofar as it depended on their will¹ to do so (Canon 1085).

(2). Does annul the consent,—if this knowledge or false belief concerning the nullity of the marriage was the express and determining reason for the contract. For in reality, in such a case, there is a positive exclusion of marriage (Canon 1086, § 2).

397. What is the origin of the impediment of Error?

1. It is *de jure naturali*,—in the case of error concerning the identity of person; in the case of error concerning the properties in question, if it is equivalent to error as to identity; in the case of exclusive and

¹ Hence:

1. If the diriment impediment does not exist, or if it has been removed without the knowledge of the contracting parties, the marriage is valid.

2. If the diriment impediment continues, and renders the marriage null and void, the marriage is susceptible of a *sanatio in radice*.

premeditated error concerning the properties of marriage; in the case of belief concerning the nullity of a marriage, if it is the express cause of the giving of consent.

2. It is *de jure ecclesiastico*,—in the case of error concerning the servile condition of the other party.

4. LACK OF CONSENT.

398. *When does the absence of internal consent make a marriage invalid?*

When the parties (one or both) exclude, by a positive act of the will:

1. Either the marriage itself;
2. Or all right to the conjugal act;
3. Or any other of the essential properties of marriage (Canor 1086, § 2).

399. *What is the origin of this impediment?*

It is *de jure naturali*.

400. *How can we know the nature of the internal consent?*

It is always presumed to be in conformity with the words uttered and the signs employed by the parties at the moment of the celebration of the marriage (Canon 1086, § 1).

Hence he who has simulated a giving of consent, or who has positively excluded from his consent an essential property of marriage, is obliged to furnish proof of his simulation or mental reservation.

5. VIOLENCE OR FEAR.¹

401. *When does fear (or violence) make a marriage invalid?*

When it realizes the four following conditions (Canon 1087, § 1):

1. It must be grave, with reference to the person intimidated².
2. It must be external, and caused by a free agent.
3. It must be unjustly caused by said free agent.
4. The threats which produce it must have for their direct object the extortion of matrimonial consent, inasmuch as the victim cannot escape the threatened evil except by contracting marriage.

402. *What is the origin of this impediment?*

1. If the fear completely destroys freedom of consent, taking away all consciousness of words and acts, it is *de jure naturali*. (This case occurs very seldom).

¹ A case of physical violence alone can hardly be imagined. It is generally an additional circumstance calculated to augment the effect of the moral violence which is exercised by means of fear.

² The species is to be ascertained in each case by itself. Even reverential fear may sometimes, in certain circumstances, be enough to constitute grave fear (See Moral Theology).

2. If the fear seriously undermines freedom of consent (in accordance with the conditions specified above), it is *de jure ecclesiastico*.

403. *Can fear which does not realize all these conditions ever make a marriage invalid?*

Never!, not even when it is the direct cause of the giving of consent (Canon 1087, § 2).

6. PREVIOUS AGREEMENTS CONTRARY TO MARRIAGE.

404. *What is the effect of agreements which are contrary to marriage?*
There are:

1. Two such agreements which render a marriage invalid;
2. One which holds its validity in suspense;
3. Three which do not affect its validity.

405. *In those cases where an agreement nullifies a marriage irrevocably, or until the fulfillment of the condition, what is the origin of the impediment?*

In such cases it is *de jure naturali*.

406. *When does a previous compact make a marriage invalid?*

In two cases:

1. When the future condition is contrary to the substance of marriage (Canon 1092, No. 2). Thus, for instance, a marriage contracted with the understanding that the contracting parties will avoid having children, or that later on they may be divorced, or that one or both may lead a double life.

2. When a past or present condition really exists here and now (Canon 1092, No. 4). So, for instance, when marriage is entered into with the stipulation that one or other of the contracting parties has never committed a certain sin, or is not now afflicted with a certain disease, etc.

407. *When does a stipulation hold the validity of a marriage in suspense?*

When it is future, and its object is licit (Canon 1092, No. 3).

408. *When does a compact leave the validity of a marriage unaffected?*

In three cases:

1. When a future condition is necessary (when it will necessarily be realized), or impossible (when it cannot be realized). (Canon 1092, No. 1).

2. When a future condition is contrary to morality, without being contrary to the substance of marriage (Canon 1092, No. 1).

3. When a past or present condition does not exist (Canon 1092, No. 4).

DIRIMENT IMPEDIMENTS ARISING FROM THE VIOLATION OF THE FORM PRESCRIBED FOR THE CELEBRATION OF MARRIAGE

1. General Principles.
2. Particular Conditions.

I. GENERAL PRINCIPLES.

409. *What is the form that is so strictly commanded that its violation makes the marriage null and void?*

According to the Code, we must distinguish:

1. As a general rule,—under pain of nullity, the matrimonial consent must be exchanged, according to the rules laid down by the Canons, by the contracting parties themselves, in the presence of the pastor (or Ordinary) of the place (or in the presence of a priest delegated by the pastor or the Ordinary), and of at least two witnesses. (Canon 1094).

2. Lawful exceptions.—According to circumstances, a total or partial derogation may be made from one or other of the above-named conditions.

410. *Who are bound as a general rule, apart from legitimate exceptions, to follow, under pain of nullity, the prescribed form of marriage?*

1. This obligation is binding:—

A. Whenever one of the contracting parties has been a Catholic at any time,¹ even though afterwards he may have fallen away from the faith (Canon 1109, § 1, Nos. 1 and 2).

B. When Orientals contract marriage with Latins who are bound to observe this form (Canon 1109, § 1, No. 3).

2. This obligation does not bind:—

A. Contracting parties neither of whom has ever been a Catholic (Canon 1109, § 2).

B. Children of non-Catholics who, though baptized in the Catholic faith, were afterwards brought up in schism, heresy, or irreligion, and who are now marrying a non-Catholic² (Canon 1109, § 2).

2. PARTICULAR CONDITIONS OF THE PRESCRIBED FORM.

These conditions are:

1. The active presence of the pastor of the place (or of the Ordinary of the place, or of a priest delegated by either the pastor or the Ordinary).

¹ This is the rule for marriages between Catholics, mixed marriages (mixed religion), and marriages with disparity of worship. In the last two cases, the Catholic party must notify the other concerning the prescribed form of marriage.

² As a matter of fact, there is in this case no voluntary desertion of the faith. Therefore the Church does not impose on persons of this category any obligations other than those which bind the non-Catholics with whom they are assimilated without fault on their part.

2. The presence of two witnesses.
3. The active presence of the two parties.

The Active Presence of the Pastor.

I. THE GENERAL RULE

411. *What pastor is competent to assist validly at the marriage of a Catholic?*

The pastor of the place, or the Ordinary of the place, or a priest delegated by one or the other of them (Canon 1904).

412. *What are the conditions under which the pastor or the Ordinary of the place can assist validly at a marriage?*

According to Canon 1095, § 1:

1. As to time:—As soon as they have taken canonical possession of their charge, or entered upon the discharge of its duties (according to the law or practice of the diocese); and so long as their competency has not been interrupted by a sentence of excommunication, interdict, or suspension *ab officio* (No. 1).

2. As to place and persons:—They can assist validly at the marriage of all (parishioners, subjects of the diocese, or not), who exchange promises in their presence and within their territory¹ (No. 2).

3. As to activity:—They must act freely, without being compelled either by violence, or grave fear; it is their duty to question the contracting parties, and to receive from them the declaration of consent in response to their questions² (No. 3).

413. *Under what conditions may the pastor or Ordinary of the place give another priest permission to assist validly at a marriage?*

1. It must be within the limits of the territory where they themselves can assist validly at a marriage (Canon 1095, § 2).

2. This permission must be given expressly to a certain specified priest for a certain specified marriage (Canon 1096, § 1).

414. *Can the pastor or the Ordinary of the place give a general delegation for all marriages within their jurisdiction?*

1. As a general rule,—No!

2. There are two exceptions.—Such a delegation can be given:

¹ Altho formerly the competency of a pastor was personal (he had the right to marry his own parishioners, and only his parishioners, anywhere), it is now territorial (in order to marry his parishioners outside his own parish, he must have a delegation from the pastor of the place where the marriage is celebrated).

Remark, however, that the decree *Ne Temere*, which introduced this radical modification, has no retroactive effect (even as the New Code of Canon Law).

² Therefore there can be no more marriages in which one of the parties is the victim of deceit.—Moreover, a passive attitude on the part of the pastor will not suffice, even for mixed marriages, or the marriages of apostates, free-thinkers, etc. (Canon 1102 § 1).

- A. To assistant pastors (*vicarii cooperatores*) in the parish to which they are assigned (Canon 1096, § 1).
- B. To the priest who substitutes for an absent pastor, under the following conditions: (Pont. Com. for the Interp. of the Code, July 14, 1922, interpreting Canon 465, §§ 4 and 5):

- (1). When a pastor is absent for more than a week, his substitute can assist at all marriages, but only if he has been approved by the Ordinary.
- (2). If this absence is caused by a sudden and serious reason, the substitute enjoys these powers until the Ordinary, who is to be notified of his substitution, rules otherwise.

415. *How stringent is the rule that special delegation must be given to a certain specified priest for a certain specified marriage?*

It is so rigorous that any other general delegation would be null and void (Canon 1096, § 3).

416. *Can those who are legitimately taking the place of a pastor, give delegation to a certain specified priest for a certain specified marriage?*

Yes! This power to delegate belongs to:

1. the priest who is managing the affairs of a vacant parish (1035);
2. the priest who is regularly taking the place of a pastor who is legitimately absent (575-580);
3. the priest who is a vicarius auxiliarius (1037);
4. the priest who is a vicarius cooperatorius (1039).

With regard to the last two classes, however, due allowance must be made for any restrictions that may have been laid on the powers of these vicars (Pont. Com. for the interpretation of the Canons of the Code, May 20, 1923).

416a. *For the specification of the priest who is to be delegated for a marriage, is it enough that the pastor should declare "delegated" whichever priest the Superior shall afterwards designate from amongst the members of a community?*

No! (Same decision as above).

2. THE EXCEPTIONS

417. *Is there any case in which the marriage would be valid, even in the absence of any qualified priest?*

There are two such cases, provided that the contracting parties cannot, without grave danger, go to or fetch the pastor or Ordinary of the place, or some other priest delegated by either the pastor or the Ordinary (Canon 1098, No. 1).

1. In danger of death.¹

2. Even outside of danger of death, if they prudently foresee that this impossibility will continue for a month.²

418. *In such cases, what is required, as a form of celebration, in order that the marriage will be valid?*

It is necessary that the promises be exchanged before at least two witnesses (Canon 1098, No. 1).

419. *If, in such a case, a non-qualified priest were available and could assist at the marriage, should he be called?*

Yes! (Canon 1098, No. 2). He should assist with the other witnesses.

420. *Is the assistance of this non-qualified priest, in such a case, required under pain of nullity of the marriage?*

No! Even in such circumstances, the marriage would be valid if the parties contracted before only the other witnesses (Canon 1098, No. 2).

The Presence of the Witnesses.

421. *How many witnesses besides the priest are required for a marriage?*

1. For validity,—at least two (Canon 1094).

2. For liceity,—whatever is required by the diocesan regulations.

422. *Who can act as witness to a marriage?*

1. For validity,—any person who is capable of testifying to the fact of marriage (without any exception).

2. For liceity,—heterodox persons should not be permitted to act, without the permission of the Ordinary for grave reasons (S. Off., Aug. 19, 1891).

423. *Are there any cases in which one can without dispensation omit the required witnesses?*

No! Not even in the two cases in which it is permitted to act without the presence of the pastor (Canon 1098). See Page 105.

The Active Presence of the Contracting Parties.

I. THE GENERAL RULE

1. As to their presence,—normally, their personal presence is required (Canon 1088, § 1).

2. As to their expression of consent,—they should express their consent aloud, unless they are permitted to express by signs what they cannot express in speech³ (Canon 1088, § 2).

¹ For instance, when two persons are living in the state of sin, and one of them falls dangerously sick; they decide to put their consciences in order; they call the priest, but he is delayed in coming; the crisis arrives, and the exchange of consent takes place before two witnesses.

² This case occurs generally in mission countries. It might occur also during war-time in invaded districts.

³ A tacit consent will not suffice. Consent manifested by signs which are understood by the pastor and the witnesses, is always valid

2. THE EXCEPTIONS

A. THE PRESENCE OF THE CONTRACTING PARTIES

424. *Can marriage ever be contracted by proxy?*

Yes! (Canon 1088, § 1). Even as any other contract.

425. *Who can act as a proxy for a marriage?*

As in the case of the witnesses, any person who knows what he is doing (See page 106).

426. *Under what conditions is a marriage by proxy valid?*

The agent (proxy) must have received in writing¹ a special authorization to contract marriage with a specified person. This authorization must be signed by the principal, and by either the pastor or the Ordinary of the place where the authorization is issued, or by a priest delegated by either the pastor or the Ordinary, or by at least two witnesses (Canon 1089, § 1).

427. *What is to be done, if the principal does not know how to write?*

Under pain of nullity of the contract, this impossibility must be mentioned, and the signature of a supplementary witness be added (Canon 1089, § 2).

428. *If, before the proxy agent has contracted in the name of the principal, the latter revokes his mandate, or lapses into a state of insanity, is the marriage valid?*

No! (Canon 1089, § 3); whether or not the proxy or the other contracting party knows the new complexion of affairs!

429. *Would a marriage be valid if a properly delegated proxy sub-delegated another person to act in his place?*

No! (Canon 1089, § 4); it is necessary that he himself fulfill his commission.

430. *Under what conditions can a pastor assist at a marriage by proxy?*

According to Canon 1091:

1. There must be a just reason.
2. He must make certain of the authenticity of the proxy delegation.
3. He must, if there is time, secure the permission of the Ordinary.

B. THE EXPRESSION OF CONSENT

431. *May the contracting parties, even when actually present, be married by means of an interpreter?*

Yes! (Canon 1090).

432. *When could such a case occur?*

¹ A proxy commission given *viva voce* is no longer sufficient.

1. When the contracting parties are strangers, and the pastor and witnesses do not know their language.

2. When the contracting parties are deaf-mutes, unable to express themselves except by signs, which the pastor and witnesses do not understand.

433. *Under what conditions may a pastor assist at a marriage thru an interpreter?*

According to Canon 1091:

1. When there is a just reason.

2. When he has made certain that the interpreter is trustworthy.

3. When he has, if time permits, secured the permission of the Ordinary.

DISPENSATION FROM MATRIMONIAL IMPEDIMENTS

1. Those granted before the celebration of the marriage.

2. Those granted after the celebration of the marriage, for the purpose of revalidation.

I. DISPENSATIONS GRANTED BEFORE THE MARRIAGE

1. What impediments can be remedied by dispensation?

2. Who can grant dispensations?

3. For what reasons, and under what conditions?

4. To whom is recourse to be had?

5. How is the application to be worded?

6. How is the dispensation granted?

I. WHAT IMPEDIMENTS CAN BE REMEDIED BY DISPENSATION?

1. In principle,— all the impediments *de jure ecclesiastico*, excluding those which are *de jure naturae* and *de jure divino absoluto*.¹

2. In practice,— :

A. There are three impediments properly so called, from which the Church never dispenses: perpetual impotency, anterior and still existing marriage bond, and consanguinity which is bilateral, in the first degree, in the direct or the collateral line (v. g., brother and sister).

B. Moreover, the Church does not remedy defects which are intrinsic in the matrimonial consent, under the conditions spoken of on page 98 et seq.

¹ This is, moreover, the practice of the Church, who, in doubtful cases decides what is the character of a given impediment.

2. WHO CAN GRANT DISPENSATIONS FROM MATRIMONIAL IMPEDIMENTS?

GENERAL PRINCIPLES.

434. *Who, as a general rule, can dispense from matrimonial impediments?*

The Pope alone, or his delegates (by virtue of the common law, or of an apostolic indult) (Canon 1040), all contrary customs to the contrary notwithstanding (Canon 1041).

435. *When does the common law impart delegation to dispense from matrimonial impediments?*

Only in two exceptional cases, namely: danger of death, and the case called "perplex" (Canon 1043, et seqq.). See page 110.

436. *What indults are granted to Bishops for dispensing from matrimonial impediments?*

1. The indults formerly granted by "general concession" to all Ordinaries for the *forum externum* have ceased since May 18, 1918 (S. C. Consist., April 25, 1918).

2. Each Bishop may, however, ask for special powers for urgent cases, which powers he shall use only when he foresees the impossibility or difficulty of securing an answer from the Holy See inside of a month (S. C., April 25, 1918).

437. *If an Ordinary has secured a general indult to dispense from a certain impediment, is he allowed to dispense from that impediment when it occurs more than once in the same urgent case?*

Yes!, unless the indult expressly states the contrary (Canon 1049, § 1).

438. *If an Ordinary has received general powers to dispense from several different impediments, and there is concurrence of these different impediments in the same urgent case, may he dispense from them without asking for further powers?*

Yes, unless the indult expressly states the contrary (Canon 1049, § 2).

439. *What is to be done if, besides the impediment from which an Ordinary can dispense by virtue of an indult, there is in the same case another impediment from which he cannot dispense?*

He must apply to the Holy See for dispensation from all of them (Canon 1050).

440. *What if the impediment from which the Ordinary cannot dispense, is not discovered until after dispensation from the others has been received from the Holy See?*

In such a case, the Ordinary may use his powers (Canon 1050).

TWO EXCEPTIONAL CASES.¹441. *What are these exceptional cases?*

1. Danger of death (*urgente mortis periculo*), when it is a question of soothing the conscience of the parties, and legitimizing their children if they have any (Canon 1043).

2. The case called "perplex." In such a case, where an impediment is discovered only when the parties are ready to be married, and the marriage cannot be delayed without probable danger of serious detriment,² until such a time as dispensation can be secured from the Holy See (Canon 1054).³

442. *In such a case, who can dispense from certain matrimonial impediments?*

1. The Ordinary of the place, in favor of all his subjects (wherever they may reside), and in favor of all those who are *hic et nunc* residing within the territory under his jurisdiction (Canon 1044).

2. In cases where it is not possible to recur to the Ordinary of the place,⁴ or where, if such recourse were to be had, there would be danger of violating the sigillum:

A. Outside of confession,—the pastor of the place, or, in the absence of the pastor or of a priest delegated by him or by the Ordinary (in danger of death), any priest who is called to assist at the marriage (Canons 1044-1045, § 3; 1098, § 2).

B. In confession,—the confessor (Canons 1044; 1045, § 3).

443. *In such cases, what impediments can be thus dispensed from?*

We must distinguish:

1. In danger of death:

¹ These exceptions, in so far as they concern Ordinaries, are a practical application of the general rule laid down in Canon 81: In default of an explicit or implicit concession from the Roman Pontiff, inferior Ordinaries can never dispense from the general laws of the Church except when the three following circumstances simultaneously exist:

1. Difficulty of having recourse to the Holy See.

2. Danger of serious damage resulting from the delay necessary for the securing of a dispensation.

3. The dispensation in question being one of those from which the Apostolic See habitually dispenses.

The exceptional powers granted by the common law to simple priests in the cases under consideration, are an entirely new concession by the Church.

² For instance, scandal (civil marriage or the like), or infamy attacking at least one of the contracting parties.

³ There is justification for interpreting this case in the broader sense, that is, even when the impediment, altho known beforehand, is brought to the notice of the pastor or of the Ordinary only when everything is in readiness for the marriage. (Pont. Com. for the Int. of the Code, March 1, 1921.)

⁴ This recourse is to be considered impossible in cases where it can be had only by telegraph or telephone, time not permitting it to be had by letter. (Pont. Com. for the Int. of the Code, Nov. 12, 1922.)

A. The Ordinary, the pastor, and the priest called to assist at the marriage, can dispense (Canons 1043; 1044):

(1). From the prescribed form of celebration of marriage (presence of the pastor and two witnesses required under pain of nullity by Canon 1094).¹

(2). From all impediments *de jure ecclesiastico*, public, occult, and even multiple, excepting only those which spring from priesthood, or from affinity in the direct line resulting from a consummated marriage.²

B. The Confessor, acting as such, can dispense from the above-mentioned impediments only if they are occult, and in the act of sacramental confession (Canon 1044).

2. In the Case called "Perplex":

A. The Ordinary; as in danger of death (Canon 1045, § 1).

B. The pastor (or the priest delegated by him or by the Ordinary) can, in the *forum externum*, dispense from the same impediments, but only if they are occult (Canon 1045, § 3).

C. The confessor; as in danger of death (Canon 1045, § 3).

N. B. From these new rules, it follows that only those contracting parties who have allowed a public impediment to remain unknown until the day of the ceremony can be injured by a refusal to go on with their marriage without obtaining a dispensation from the Ordinary.

444. *On what conditions can these exceptional dispensations be granted?*

According to Canon 1043:

1. All scandal must be avoided.

2. If it is a dispensation from disparity of worship or mixed religion, the customary promises must be made (Canon 1061). See page 113.

445. *What is the obligation of the pastor (or other priest) who has given such a dispensation?*

In the case of a dispensation *in foro externo* only, he is bound:

1. To notify the Ordinary of the place at once.

2. To inscribe it in the Marriage Register.

3. REASONS AND CONDITIONS OF DISPENSATIONS

REASONS FOR DISPENSATIONS.

446. *For what reasons may a dispensation from matrimonial impediments be obtained?*

1. As a general rule,—:

¹ Remark, that normally, even in danger of death, the presence of two witnesses is required (Canon 1098; see page 106).

Only a priest can dispense from this, as from certain impediments, under the conditions considered here.

² It is only in this passage that the Code makes any allusion to carnal intercourse with reference to affinity (See pages 95, 96).

- A. The reason must be just and reasonable, in proportion to the importance of the impediment. (In accordance with Canon 84, § 1).
 - B. A dispensation granted without a reason proportioned to the case, would be invalid if granted by delegation (Canon 84). However, if it is question of the five minor impediments (see page 84), the dispensation would not be null because of the fact that it was accorded in answer to false reasons, or because of the fact that the true reasons were passed over in silence, even tho the only reason given in the petition was false (Canon 1054).
 - C. If there is any doubt as to the sufficiency of the reasons alleged, even then the dispensation may be asked for, and it may validly and licitly be granted (Canon 84, No. 2).
2. In particular,—: According to the latest formulary of the *Dataria Romana* (1901), the chief canonical reasons are: the smallness of the place of residence; the advanced age of the woman (24 years); the insufficiency of her dowry; the fact that the woman (a widow) has children to support; the fact that a widow is too young to be expected not to start life over again, and that she will probably be exposed to temptation as to morals; the fact that the woman is fatherless, or motherless, or an orphan; peril as to faith; peril as to peace between families; community of ownership of property between the two contracting parties; infirmity of the woman; a stain on the family escutcheon of the woman; special merit of the family regarding religion; the hope of converting the non-Catholic party; the necessity of avoiding or putting an end to scandal; the fear of a civil marriage; the fear of marriage before a non-Catholic minister; etc., etc.

SPECIAL CONDITIONS REQUIRED FOR DISPENSATIONS IN CERTAIN CASES.

1. Mixed Religion, and Disparity of Worship.
2. Previous Marriage.
3. Consanguinity.

1. Dispensation from the Prohibiting Impediment of Mixed Religion,¹ and from the Diriment Impediment of Disparity of Worship.²

447. *What is the duty of Ordinaries and pastors of souls regarding such marriages?*

According to Canon 1064:

¹ See page 86.

² See page 90.

1. They must, so far as is possible, dissuade the faithful from contracting such marriages.

2. If they cannot prevent them, they must see that they are not contracted in violation of the laws of God and of the Church.

3. They must see that the contracting parties keep the promises they make.

448. *On what conditions does the Church dispense from these impediments?*¹

According to Canons 1061, § 1, and 1071:

1. There must be just and serious reasons.

2. The non-Catholic party must promise to shield the Catholic party from all danger of perversion, and both must promise that their children shall be baptized and brought up in the Catholic faith alone.²

3. There must be a moral certainty that these promises will be kept.

449. *Are the contracting parties allowed to present themselves also before a non-Catholic minister?*

We must distinguish (Canon 1063), according to the character under which the minister functions:

1. If he is considered as a minister of a religious sect,—they are not allowed to give or renew their consent before him³ (§ 1).

2. If he is considered solely as a civil magistrate, with reference to the civil effects of marriage (that is, when a civil ceremony is required by the state),—they are allowed to do so (§ 3).

450. *What is the duty of the Catholic party in such a marriage?*

The Catholic party is bound prudently to labor for the conversion of the non-Catholic party (Canon 1062).

N. B. Closely allied to the impediment of Mixed Religion and to that of Disparity of Worship, is the marriage of a Catholic with one who is downright “unworthy”. (See page 87). In such cases, the Church contents herself with prescribing measures of prudence. There are two cases of this kind, namely: marriage with an apostate, and marriage with a public sinner.

451. *In such cases as the above, what is the duty of the pastor?*

¹By this means, the Church makes certain that the ecclesiastical impediment in question is not duplicated by a prohibition of the divine law because of the danger of perversion for the Catholic party and for the children to be born of the marriage. She dispenses from this impediment only when this danger is previously guarded against.

²Regularly, the promises must be demanded in writing (Canon 1061, § 2).

³Canon 2319 inflicts an excommunication *latae sententiae* reserved to the Bishop on the faithful who are guilty of this offense.—If the pastor knows that the contracting parties have violated or intend to violate this law, he shall not assist at the marriage, except for very serious reason, and after having taken steps to avoid all scandal, and after having first consulted the Ordinary on the matter (Canon 1063, § 2).

1. If one of the parties is an apostate (in the sense indicated on page 87),— the pastor must not assist at the marriage without first consulting the Ordinary (Canon 1065, § 2).

2. If one of the parties is a public sinner (See page 87),— the pastor must not assist at the marriage except for a serious and urgent reason, and after having consulted the Ordinary, if there is time to do so (Canon 1066).

452. *On what conditions will the Ordinary permit the pastor to assist at the marriage of an apostate?*

According to Canon 1065, § 2:

1. If he considers that there is a serious reason for so doing.

2. If he judges that the Catholic education of the children will be sufficiently safeguarded.

3. If he judges that the danger to the Catholic party is sufficiently provided for.

2. Dispensation from the Impediment of Previous Marriage.

453. *Is dispensation ever granted for this impediment?*

We must distinguish:

1. If the previous valid marriage has been "*ratum*", that is, ratified by the Church, and "*consummatum*",— it can be dissolved only by death (Canon 1118).

2. If one of these two conditions is lacking,— the marriage can be dissolved.

454. *When can dispensation be obtained from a marriage ratified by the Church (by the sacrament of Matrimony)?*

1. One condition is indispensable, namely, that the marriage has never been consummated (Canon 1119):

2. A dispensation in the above case is granted (Canon 1119):

A. *De jure*,— by the solemn religious profession of one of the parties.

B. By a dispensation,— granted for a just reason by the Holy See, either at the request of both parties, or even at the request of one against the wish of the other.¹

455. *When can a consummated marriage be dissolved?*

When it was contracted between non-baptized persons, and when one of the pair, having been converted to the Catholic faith, cannot live peacefully with the other.² (This is the so-called "Pauline Privilege", in favor of the faith).

¹ There is no occasion for giving here a detailed study of this case. We may remark, however, that it might become a practical case thru the reappearance of people who had disappeared and who were believed to be dead, and whose partners had married again.

² There is no occasion for considering this case in detail (Canons 1120-1127).

3. Dispensation from the Diriment Impediment of Consanguinity.

456. *Can a dispensation ever be obtained from this impediment, if there is doubt as to the degree of consanguinity?*

Never, if the doubt is as to whether the parties are related in any degree whatsoever in the direct line, or in the first degree of the collateral line (Canon 1076, § 3).

4. TO WHOM IS THE PETITION FOR DISPENSATION TO BE SENT?

457. *To whom is the petition for dispensation to be sent?*

1. In principle,—outside of two exceptional cases mentioned on page 110, and the cases for which the Ordinary may have obtained an indult:

A. Impediments *in foro interno* are dispensed by the Sacred Penitentiary (Canon 258).

B. Impediments *in foro externo* are dispensed:

(1). The impediments of Mixed Religion, Disparity of Worship, and Previous Marriage (in the case of the Pauline Privilege),—by the Holy Office (Canon 247), § 3).

(2). All other impediments,—by the S. C. Sacr. (Canon 249, § 2).

2. In practice:—

A. Apart from cases *in foro interno* (confessions or confidences), which cannot be submitted to the Ordinary without violating the *sigillum*,—recourse should be had to the diocesan court, which has general and particular powers of greater or less extent, and which knows better how to refer the matter to Rome, if such action is necessary.

B. If it is not possible to refer the case to the Ordinary without his being able to divine the names of the parties interested,—the confessor or the priest to whom the secret is confided should write directly to the Cardinal Grand Penitentiary. He should designate the parties concerned by fictitious names; he should explain the case as clearly as possible, without using any official formula; indeed, he may use his own language in this communication.

5. HOW THE PETITION FOR A DISPENSATION IS TO BE DRAWN UP

458. *In what form is the petition to be sent?*

In writing; altho, in case of necessity, a *viva voce* request will suffice.

459. *Who should make the petition?*

By preference, the pastor of the bride.

460. *What should the pastor do before sending in the petition?*

He should make a very careful investigation.

461. *What should the petition include?*

The names and surnames of the parties concerned, and of their parents (except, of course, in case of occult impediment, when fictitious names are to be used); their ages; the nature of the impediment, with all the details which indicate its species; the degree of consanguinity, affinity, or public decency, etc.; the multiplicity of impediments; the genealogical tree; the reasons invoked.

6. HOW THE DISPENSATION IS GRANTED¹

462. *Through what channel is the dispensation granted?*

1. Through the Ordinary, whenever it has been asked from Rome thru him.

2. Directly by the Sacred Penitentiary to the confessor or the priest to whom the secret is confided, when they, in order to avoid the disclosure of an occult impediment, have referred the matter directly to Rome.

463. *When is the dispensation granted?*

The dispensation does not take effect until it has been fulminated.

This is done usually by the Ordinary; in occult cases which have been submitted directly to Rome,² it is done by the priest who has acted as intermediary.

464. *By which Ordinary is the dispensation granted?*

By the one who forwarded the petition to Rome. If it is a case of a public impediment, it is his duty to notify the new Ordinary, if the contracting parties have moved from his diocese in the meantime. (Canon 1055).

465. *When the Sacred Penitentiary has granted a dispensation in foro interno for an occult impediment, is it necessary to ask for a new dispensation for the forum externum, in case the impediment becomes public?*

We must distinguish (Canon 1047):

1. If the dispensation was granted for the non-sacramental *forum internum*,—No!, unless the rescript states the contrary. But the priest to whom the secret was confided must inscribe the dispensation in the diocesan archives (Canon 379).

2. If the dispensation was granted for the sacramental *forum internum*,—Yes!

¹ It goes without saying that this rule does not apply to the dispensation granted in the two exceptional cases (Page 110).

² A mere letter of notification that a dispensation has come to the Chancery is not sufficient. It is necessary that the official document itself be sent either to the parties in the case, or to the pastor.

466. *Are there any cases in which an impediment can be dispensed from implicitly?*

Yes, there are four such cases:

1. When in the petition or the concession of a dispensation there has been a mistake as to the degree of consanguinity or affinity; that is, if the degree for which the dispensation was obtained is less remote than that which really existed (Canon 1052).

2. When, in a case where there are two impediments of the same nature (consanguinity or affinity),¹ one of them was not mentioned in the petition or the concession; but only when the one which was not mentioned in the petition is of equal or inferior degree to that for which the dispensation was granted (Canon 1052).

3. The impediment arising from adultery with promise or attempt to marry² (see page 92), is implicitly dispensed from in two cases (Canon 1053):

A. When the Holy See has granted a dispensation from a non-consummated marriage.

B. When the Holy See has given permission to contract a new marriage, because of the presumed death of husband or wife.

2. DISPENSATIONS GRANTED AFTER MARRIAGE, FOR REVALIDATION

1. When can a marriage be null and void?

2. How can a marriage be revalidated?

467. *When can a marriage be null and void?*

1. When it was contracted without a dispensation from a diriment impediment properly so called (Canon 1133, § 1).

2. When the consent of the two parties was not valid.

3. When the form required under pain of nullity was not observed.

468. *How can a marriage be revalidated?*

1. By simple revalidation.

2. By *sanatio in radice*.

A. SIMPLE REVALIDATION.

469. *What sort of marriages can be remedied by simple revalidation?*

Amongst the marriages which can be remedied by simple revalidation are those which are null:

1. Because of the existence of a diriment impediment.

2. Because of the lack of proper consent.

3. Because of the non-observance of the required form.

¹ Therefore, if one of the impediments is of consanguinity, and the other of affinity, an explicit dispensation from one of them does not imply the implicit dispensation from the other.

² Not when, in addition, there was murder of the innocent partner (Page 92).

REVALIDATION OF MARRIAGES NULL BECAUSE OF A DIRIMENT IMPEDIMENT

470. *Under what conditions can such a marriage be revalidated?*

According to Canon 1133, § 1:

1. If the impediment ceases, or if a dispensation from it is granted.¹

2. And if the consent is renewed at least by the party who knows of the impediment.

471. *When a marriage, which was contracted before the promulgation of the Code, (May 19, 1918), was invalid at the time because of an impediment which the Code has since abrogated, has the marriage been rendered valid by the fact of the abrogation of the impediment?*

No! The marriage in question calls for revalidation. (Pont. Com. for the Int. of the Code, June 1-2, 1918).

Nevertheless, in this case it is enough to renew the consent in accordance with Canons 1133-1135, or to ask for a dispensation *a radice* (cf. page 119), without asking for a dispensation from the impediment, since its abrogation has made this unnecessary. (Response of H. E. Cardinal Gasparri, President of the Pontifical Commission).

472. *How necessary is the renewal of consent for the revalidation of a marriage?*

De jure ecclesiastico,² it is absolutely necessary for the validity of the revalidation (Canon 1132, § 2).

473. *If, at the time when the marriage was first contracted, the parties gave their consent, and have not since retracted it, is this renewal of consent still required?*

Yes! at least from the party who knows of the impediment (Canon 1133, § 2).

474. *In what does this renewal of consent consist?*

In a new act of the will, having for its object the marriage in question (Canon 1134).

475. *How should this renewal of consent be made?*

We must distinguish (Canon 1135):

1. If the impediment is public,— each party must renew it according to the form prescribed by the Law (§1). See page 103.

¹ When there is urgency, and when there is danger in delaying for recourse to the Holy See, the dispensation can be granted under the same conditions as for the "case perplex". (See page 111; Canon 1045, § 1-2.)

² This necessity is only the result of the positive ruling of this Canon. For, as a general rule, as stated by Canon 1093: "Altho a marriage may have been invalid in its origin because of an impediment, the consent given is presumed to persist until proof is furnished of its revocation."

2. If the impediment is occult, —:
 - A. If it is known by both parties,— it is enough that the consent is renewed by each of them, privately and secretly (§2).
 - B. If it is known by only one of the parties,— it is enough that the party who knows it, renews his consent privately and secretly, provided that the other party still perseveres in the consent he gave in the first instance (§ 3).

REVALIDATION OF MARRIAGES NULL BECAUSE OF LACK OF CONSENT

476. *How can such marriages be revalidated?*

By having the party who withheld consent, give his consent now, providing that the initial consent of the other party still perseveres¹ (Canon 1136, § 1).

477. *How should this consent be given?*

1. If the withholding of consent was purely internal,— it is enough that the consent now given is internal (Canon 1136, § 2).
2. If the withholding of consent was manifested externally,— the consent now given must also be manifested externally; (§ 3).
 - A. According to the form prescribed by the Law,— if the lack of consent was public;
 - B. Privately and secretly,— if the lack of consent was occult.

REVALIDATION OF MARRIAGES NULL BECAUSE OF NON-OBSERVANCE OF FORM

478. *How can such marriages be revalidated?*

They must be contracted anew, according to the prescribed form (Canon 1137). This is the case with civil marriages.

B. SANATIO IN RADICE.

479. *What is meant by sanatio in radice?*

It is the revalidation of a marriage:

1. Without the necessity of the renewal of consent.
2. With a fiction of the law, by which the effects of the marriage are made retroactive (Canon 1138, § 1).

480. *When does the sanatio in radice take effect?*

The marriage is revalidated at the moment when the dispensation is granted (Canon 1138, § 2).

481. *What is the extent of retroactivity as to the effects of the marriage?*

¹ The Code does not discuss the case in which the marriage is null and void thru lack of consent of both parties. In such a case, it seems indispensable that both parties should renew their consent; and it is proper that this should be done in the presence of the pastor, who will give them the nuptial blessing. (The opinion of moral theologians.)

Unless there is an express stipulation to the contrary, it goes back to the moment when the marriage in question was first contracted (Canon 1138, § 2).

482. *Can dispensation from the necessity of renewing the consent be given without the knowledge of one or both the parties?*

Yes! (Canon 1138, § 3).

483. *Under what conditions does the Church grant a *sanatio in radice*?*

Under the three following conditions (Canon 1139, § 1):

1. That both parties, at the time of their union, gave a consent that was naturally sufficient.

2. That this consent was made ineffective solely by a diriment impediment of the ecclesiastical law, or by a defect of form.

3. That the initial consent still perseveres.

484. *When does the Church refuse to grant a *sanatio in radice*?*

In two cases:

1. When the marriage was contracted in spite of an impediment of the natural or divine law (Canon 1139, § 1).

2. When the consent of one or both the parties is lacking, either because it was lacking at the outset, or because it has since been revoked (Canon 1140, § 1).

485. *If the impediment of the natural or divine law ceases, will the Church grant a *sanatio in radice* to take effect at least from that moment?*

No! (Canon 1139, § 2).

486. *If the consent which was lacking at the outset, is given afterwards, will the Church grant a *sanatio in radice* to take effect from that moment?*

Yes! (Canon 1140, § 2).

487. *Who can grant a *sanatio in radice* for a marriage that is null and void?*

The Holy See alone (Canon 1141).

CHAPTER IV

The Celebration of a Catholic Marriage¹

1. Preparation for the Marriage.
2. Celebration of the Marriage.
3. Recording of the Marriage.

1. THE PREPARATION FOR THE CATHOLIC MARRIAGE

488. *What should the pastor do to make sure that his parishioners are properly prepared for marriage?*

He should investigate as to whether they are sufficiently instructed in Catholic doctrine, unless the dignity of the persons is such as to make such inquiry needless (Canon 1020, § 2).

489. *Can a pastor refuse to assist at the marriage of a person whom he knows to be ill-disposed?*

No!, unless it is a question of an apostate or a public sinner (See on page 114, the line of conduct to follow).

2. THE CELEBRATION OF THE CATHOLIC MARRIAGE

1. Who can officiate at it?
2. How should it be celebrated? (Circumstances of time, place, and rite).

490. *Who can officiate at a Catholic marriage?*

VALIDLY,—those who have local jurisdiction over the place where the marriage is celebrated (pastor or Bishop), (Canon 1095, § 1), or a priest specially delegated by either of them for that particular marriage (Canon 1095, § 2). See page 104.

LICITLY,—

1. The pastor or Ordinary of the place where the marriage is celebrated, under the following conditions:

- A. That he make sure that the parties are free to marry (Canon 1097, § 1, No. 1).
- B. That he make certain that one of the parties has a domicile or quasi-domicile in the place, or that he has lived there for at least a month, or that he is a *vagus* (Id., No. 2).

¹ Remember that the form required by the Church for the celebration of marriage is obligatory for only those parties of whom at least one is or has been a Catholic.—The marriages of non-Catholics amongst themselves (and this includes those children of non-Catholics who, altho baptized in the Catholic Church, have been brought up from infancy outside the Church), are in no way subject to it (Canon 1099, § 2).

In default of this,— (except in two cases, namely, grave necessity, or the case of *vagi* travelling thru the place, neither of whom has a place of habitation anywhere), he must secure the permission of the pastor of their domicile, quasi-domicile, or residence for at least a month (Id., No. 3).

2. The delegate of the pastor or of the Ordinary of the place where the marriage is celebrated, provided that before granting the delegation, the pastor or Ordinary has complied with all the formalities required by the Law to make sure that the parties are free to contract marriage (Canons 1095, § 2; 1096).

N. B. 1. As a general rule, the marriage should be celebrated before the pastor of the bride (and therefore in the parish in which she lives), unless there is a just cause for celebrating it elsewhere (Canon 1097, § 2).

2. The priest who, without the permission of the pastor of the place where one of the contracting parties lives, officiates at a marriage, even in his own parish must not keep the stole-fees, but must forward them to the pastor of the contracting parties (Canon 1097, § 3).

491. *Is there any case in which a marriage may be celebrated without the presence of the pastor or the Ordinary of the place, or without their permission?*

1. If it is impossible to fetch them, or to go to them without grave inconvenience,— it may be done in two cases, namely, danger of death, and the foreseen impossibility of having access to pastor or Ordinary for a month (Canon 1098). See page 105.

2. If neither of the two parties has ever made profession of the Catholic faith (Canon 1099, § 2). See page 103.

492. *How should a Catholic marriage be celebrated?*

These marriages are divided into two general classes:

1. Those performed in case of necessity.
2. Those performed outside of case of necessity.

CATHOLIC MARRIAGES IN CASE OF NECESSITY

See page 105.

CATHOLIC MARRIAGES OUTSIDE OF CASES OF NECESSITY

493. *When may a pastor officiate at a Catholic marriage?*

1. When he has in his possession all the necessary documents (Canon 1030, § 1).

2. Three full days after the last publication of the banns, unless there is a just cause for anticipating (Id.).

494. *May a pastor officiate at a marriage without having the necessary documents?*

Not even for the sake of preventing concubinage or civil marriage, can he proceed without being certain of the fact that the parties are free to marry (S. C. Sacr., June 26, 1921, No. 1).

495. *What rites (ceremonies) are required for the ordinary celebration of marriage?*

The ceremonies prescribed by the Rituals and approved local customs (Canon 1100).

496. *Are the sacred rites of the Church allowed at mixed marriages?*

According to Canon 1102, § 2:

1. As a general rule,—No!

2. However, if it is foreseen that refusal would only serve to bring about greater evils, the Ordinary can permit certain ceremonies customary in the Church, *but never the celebration of Mass!*

497. *Under what conditions will the Ordinary permit the giving of the nuptial blessing during the ferial season?*

According to Canon 1108, § 3:

1. There must be a just reason.

2. The contracting parties must be admonished to refrain from too much pomp.

498. *Does the granting of permission to give the nuptial blessing carry with it permission to say the nuptial Mass?*

Yes! if the rules of the liturgy permit it to be said on that day (Canon 1108, § 3). "*Salvis legibus liturgicis*".

499. *When do the rubrics permit the Mass "pro sponso et sponsa"?*

Every day except the following:

Sundays; holydays of obligation (even suppressed); doubles of the 1st and 2d classes; privileged octaves of the first rank (Easter and Pentecost), and of the second rank (Epiphany and Corpus Christi); privileged ferias (Ash Wednesday and the first three days of Holy Week); the vigils of Christmas, Pentecost, and Epiphany; the second day of November; Rogation days in parish churches, if a procession is held, and if a second Mass cannot be said (S. C. Rit., June 14, 1918; and the Rubrics of the New Missal).

500. *Is the Solemn Nuptial Blessing obligatory?*

No!, but the pastor should make every effort to induce the married couple to receive it (Canon 1101, § 1).

501. *When is the nuptial blessing given?*

Only during Mass, observing the special rubrics (Canon 1101, § 1), that is, by reciting over the married couple the two prayers inserted in the Mass "*pro sponso et sponsa*" after the Pater Noster and before the last blessing.

502. *How is the Nuptial Blessing to be given on days when the Mass "pro sponso et sponsa" cannot be said?*

The two prayers mentioned above must be inserted in the Mass of the day, and a commemoration must be made of the Mass "*pro sponso et sponsa*".

On Good Friday, however, and on All Souls Day, the Nuptial Blessing cannot be given; nor can a commemoration be made of the Mass "*pro sponso et sponsa*".

503. *In what manner should the orations of the Mass "pro sponso et sponsa" be added to the orations of the day?*

Under the same conclusion (Rubrics of the New Missal).

504. *Can the Nuptial Blessing be given on any other day than the day of the marriage?*

Yes! It may be given even after the married couple have lived together for a long time; but it must always be during the celebration of the Mass (Canon 1101, § 1).

505. *What priest can give the Nuptial Blessing?*

Only a priest who can validly and licitly assist at a marriage, or his delegate (Canon 1101, § 2).

506. *Can a woman receive the Nuptial Blessing more than once?*

No! not even if she is married several times (Canon 1143).

507. *Where should the marriage be celebrated?*

We must distinguish:

1. The Marriage of two Catholics:

A. As a general rule,— in the parish church.

B. With the permission of the Ordinary or of the pastor of the place,— in some other church, or in a public or semi-public oratory (§ 1).

C. With the permission of the Ordinary of the place, but only in exceptional cases, and on the express condition that there is a just and reasonable motive,— in a private house (§ 2).

D. There must be urgent necessity, and the Ordinary must take all proper precautions, before he can permit the celebration of a marriage in the churches or chapels of seminaries or of Sisters' convents (§ 2).

2. Mixed Marriages:

A. As a general rule,— outside of the church.

B. If the Bishop prudently judges that this rule can be waived without serious consequences,— the Ordinary can, if he sees fit, permit the marriage to take place in the church, but cannot allow a Mass to be said at such marriages (Canon 1109, § 3).

3. THE RECORDING OF CATHOLIC MARRIAGES

508. *Where should the marriage be recorded?*

1. As a general rule,—in the Marriage Register of the place where it is celebrated, and in the margin of the Baptismal Register of each of the parties (Canon 1103).

2. In case of a secret marriage (marriage of conscience),—in a special Register kept in the diocesan archives¹ (Canon 1107).

509. *Whose duty is it to record the marriage?*

We must distinguish:

1. In normal cases,—
2. In cases of necessity.

IN NORMAL CASES

510. *Whose duty is it to record the marriage in normal cases?*

1. The entry in the Matrimonial Register,—is to be made in the place where the marriage was performed, by the pastor (or by him who discharges the duties of the pastor), even if the marriage was celebrated by a priest delegated by him or by the Ordinary (Canon 1103, § 1).

2. The entry in the Baptismal Register, — (§ 2):

- A. If the married couple were baptized in the parish where they are married,—it is to be made by the pastor of the place.
- B. If they were baptized elsewhere,—the pastor of the place of marriage must report the marriage to the pastor (or pastors) of the place (or places) of baptism.

511. *How are these notifications to be transmitted?*

They are to be sent to the pastor of the place of baptism, either directly, or thru the Episcopal Curia (Canon 1103, § 2); preferably, thru the Episcopal Curia (S. C. Sacr., June 26, 1921, No. 4).

512. *What should these notifications contain?*

The names and surnames of the contracting parties, of their parents, of the witnesses, and of the pastor; the ages of the contracting parties; the place and date of the ceremony; and the parish seal (S. C. Sacr., June 26, 1921, No. 2).

513. *What should the pastor of the place of baptism of the parties do, if, when he receives the notification of their marriage, he finds that one of them is already bound by a previous marriage?*

He should at once, thru the Chancery of the Ordinary, notify the pastor of the place where the false marriage took place (S. C. Sacr., June 26, 1921, No. 4).

¹ It has not seemed advisable to treat here of marriages of conscience (Canons 1104-1107).

IN CASES OF NECESSITY

514. *In case of necessity (danger of death, or the impossibility for a month of having access to the pastor or to the Ordinary of the place), who should see to the recording of the marriage?*

According to Canon 1104, § 3:

1. The priest who assisted at the marriage.
2. If no priest was present, then the witnesses and the contracting parties are bound *in solidum*.

515. *What is to be recorded in the Marriage Register?*

1. The names of the contracting parties and of the witnesses, the place and date of the marriage, and the other things required by the Ritual and by the Ordinary (Canon 1103).

2. The dispensation by virtue of which the marriage could be celebrated, so that no doubt may later arise as to its concession (Canons 1046-1047) (S. C. Prop., Jan. 12, 1869).

CHAPTER V

The Effects of Marriage

N. B. Canons 1110-1113 treat of the moral consequences of marriage, as regards the rights and duties of the married pair. This is not the place to repeat the traditional rules concerning this subject.

The Canons which follow, treating as they do of the legitimacy of children, deserve some special attention here.

516. *What is meant by a legitimate child?*

As a general rule,—the child that was conceived, or born, of a valid or putative marriage¹ (Canon 1114).

517. *Is there any case in which a child born of a valid or putative marriage, would not be canonically legitimate?*

If “*parentibus, ob solemnem professionem religiosam vel susceptum ordinem sacrum, prohibitis tempore conceptionis fuerit usus matrimonii antea contracti*” (Canon 1114).

518. *Who is to be considered as the father of the child?*

The one indicated by lawful marriage, unless evident proof demonstrates the contrary (Canon 1115, § 1).

519. *When is a child presumed to be legitimate?*

¹ According to Canon 1015, § 4, a “putative” marriage is one that is invalid, but was celebrated in good faith by at least one of the parties. It retains this character so long as both parties are not certain of its nullity.

When it is born at least six months after the celebration of the marriage, or within ten months from the date of the breaking off of conjugal relations (Canon 1115, § 2).

520. *How may a child be legitimized?*

By the subsequent marriage of its parents; this marriage may be real or putative, actually contracted or merely revalidated, consummated or not consummated. Provided, however, that the parents were free to contract marriage at the time of the conception of the child, during the period of pregnancy, or at the moment of the birth of the child.

521. *If, at the moment of the conception or the birth of a child, the parents were prevented from contracting a valid marriage by a diriment impediment, could a subsequent dispensation legitimize the child?*

We must distinguish (Canon 1051):

1. In case the dispensation is granted by a special rescript,—No!, unless the rescript explicitly says so.

2. In case the dispensation is granted by virtue of the ordinary power of him who grants it, or by virtue of a general indult,—Yes!, by the dispensation itself, except in the case of adulterous or sacrilegious offspring.

522. *Have children who are legitimized by subsequent marriage, the same canonical rights as legitimate children?*

Yes!, unless the contrary is expressly stated (Canon 1117).

CHAPTER VI

Separation from Bed and Board

523. *Are the married pair bound to live together?*

Yes!, unless a just cause excuses (Canon 1128).

524. *For what reasons can one partner be dispensed from living with the other?*

The Code divides these reasons into two classes:

1. The adultery of one partner gives the other, under certain conditions, the right to sever forever the common life; the marriage tie, however, still endures (Canon 1129, § 1).

2. Other reasons justify the innocent partner, so long as they persist, in leaving the partner who is guilty of the following sins:

A. Joining a non-Catholic sect.

B. Bringing up the children outside the Church.

C. Criminal or shameful conduct.

D. Seriously endangering either the body or the soul of the innocent partner.

E. Causing quarrels which make life in common unendurable.

F. Other things of like nature.

525. *Under what conditions can the innocent partner leave the other when the latter has been guilty of adultery?*

Under these conditions (Canon 1129, § 1):

1. That the innocent party has not consented to the other's sin, and that the innocent party has not in any way given cause for it.

2. That the innocent party has not condoned it explicitly or implicitly.

3. That the innocent party has not himself been guilty of the same sin.

526. *In case of adultery, does the innocent party require the sanction of authority to leave the other?*

No!, he may do so of his own accord.

527. *What is meant by tacit (implicit) condonation of the other's sin?*

It consists in the fact that the innocent party spontaneously continues to live in conjugal relations with the other, even after having become aware of his adultery (Canon 1129, § 2).

528. *When is this condonation presumed?*

It is presumed if, within the six months that follow his learning of the sin of his partner, the innocent party fails to expel the other from the home, to quit her (or him), or to make a regular charge against her (or him).

529. *After there has been a separation because of adultery, may the partners again resume the common life?*

According to Canon 1130:

1. Nothing can compel the innocent party to do so.

2. The innocent party is free to admit the guilty partner once more to the common life; or he may even summon the guilty partner back to it, unless, with his consent, the other has embraced a mode of life that is contrary to marriage.

530. *Apart from the case of adultery, does the innocent party need the sanction of authority to leave the other?*

According to Canon 1131, we must distinguish:

1. As a general rule,—the permission of the Ordinary of the place is necessary.

2. However, if the reasons enumerated above evidently exist, and if there is danger in delay,—he may act of his own accord.

531. *From which Ordinary should this permission be asked?*

1. As a general rule,— either from the Ordinary of the place where the marriage was celebrated, or from the Ordinary of the domicile or quasi-domicile of the married couple (Canon 1964).

2. In special cases,— :

A. If one of the pair is not a Catholic, the case should be taken to the Ordinary of the domicile or quasi-domicile of the Catholic party (Id.).

B. The wife who is sinfully abandoned by her husband, should take the case to the Ordinary of the domicile or quasi-domicile of her husband (Pont. Com. for the Interp. of the Code, July 14, 1922).

C. A Catholic wife not regularly separated from her non-Catholic husband, and having her own separate quasi-domicile, can take the case to either the Ordinary of the place of domicile of her husband, or to the Ordinary of the place of her own quasi-domicile (Id.).

532. *If, in the course of time, these reasons for separation disappear, must the partners resume the common life?*

We must distinguish (Canon 1131, § 2):

1. If the separation was made by their own authority,—Yes!, as soon as the reasons for it cease to exist.

2. If the separation was declared by the Ordinary,— the innocent party is not obliged to resume the common life, except in accordance with the terms of the decree:

A. If the separation was decreed for a certain time,— the common life must be resumed at the end of that period.

B. If the separation was decreed without limitation as to time,— the common life is to be resumed only when the Ordinary shall so command.

533. *In case of separation of husband and wife, to whom shall the education of the children be entrusted?*

According to Canon 1132:

1. As a general rule,—:

A. To the innocent party.

B. If one of the parties is a Catholic,— to the Catholic party.

2. EXCEPTION. If the observance of the general rule is not for the good of the children, and, above all, does not promote their Catholic education, the Ordinary should decide the matter.

COROLLARY TO BOOK I—THE SACRAMENTALS

1. General Principles.
2. Certain Special Sacramentals.

1. GENERAL PRINCIPLES

534. *Who has power over the sacramentals?*

The Holy See alone, whether it is to establish new sacramentals, or to interpret already existing ones, or to abolish or modify them (Canon 1145).

535. *Who is the lawful minister of the sacramentals?*

As a general rule,—the cleric who has received the power, if this power is not withdrawn by competent authority (Canon 1146).

536. *What rites are to be observed in administering the sacramentals?*

The rites and formularies approved by the Church (Canon 1148, § 1), under pain of nullity of the consecrations and blessings (§ 2).

537. *What persons is a priest permitted to bless?*

Catholics; catechumens; even non-Catholics, to obtain for them the light of faith, or, with that light, bodily health (Canon 1149).

538. *How should consecrated or blessed articles be treated?*

With respect; they should never be used for a profane purpose for which they are not intended (Canon 1150).

539. *When a consecrated or blessed article is sold, can a higher price be asked for it because of its being consecrated or blessed?*

No! (Canon 1539, § 1).

2. CERTAIN SPECIAL SACRAMENTALS

A. Exorcisms.

B. Consecrations and Blessings.

C. Reconciliation of Violated Churches.

A. EXORCISMS

They are of two kinds:

1. Exorcisms of possessed persons.
2. Exorcisms during the administration of Baptism, and during the course of consecrations and blessings.

1. THE EXORCISM OF POSSESSED PERSONS.

540. *Who has the right to exorcize possessed persons?*

Any cleric who, having the power, has also received a special and express permission from the Ordinary (Canon 1151, § 1).

541. *Who can be exorcized?*

Anyone that is possessed (Canon 1152).

2. THE EXORCISMS OF BAPTISM, OF CONSECRATIONS AND BLESSINGS.

542. *Who can perform these exorcisms?*

The lawful minister of these sacred rites (Canon 1153).

B. CONSECRATIONS AND BLESSINGS

1. CONSECRATIONS.

543. *Who has the power to consecrate a person, place, or object?*

This power belongs only to him who has received the episcopal character. Nevertheless, the Code, or apostolic indults, concede to others certain special consecrations (for instance, to Vicars Apostolic) (Canon 1147, § 1).

2. BLESSINGS.

GENERAL PRINCIPLES

544. *What powers of blessing are enjoyed by simple priests?*

1. Validly and licitly, they can give all the non-reserved blessings (Canon 1147, § 2).

2. If, without authorization, they give a reserved blessing, it is valid, but illicit, unless a clause to the contrary is contained in the reservation (Canon 1147, § 3).

545. *What powers of blessing have the inferior ministers?*

Deacons and lectors can give, validly and licitly, only those blessings which are accorded them explicitly by the Code (Canon 1147, § 4).

SPECIAL BLESSINGS

There are three categories of these special blessings:

1. Those reserved to the Ordinary.
2. Those reserved to Religious Orders.
3. Those not reserved.

1. BLESSINGS RESERVED TO THE ORDINARY.

546. *Which are the chief blessings reserved to the Ordinary?*

1. The blessing of sacred places, that is, places reserved for divine worship, or for the burial of the faithful (Canon 1156).

2. The blessing of the cornerstone of a church (Canon 1163).

3. The blessing of bells (Canon 1169, § 5).

4. The blessing of holy images (crosses, statues, pictures, etc.), which are exposed to public veneration.

5. The blessing of the telegraph.
 6. The blessing of railroads.
 7. The blessing of the clerical habit (cassock, surplice).
- 547.** *Can the Ordinary always delegate to a priest the powers of blessing that are reserved to him?*

1. As a general rule,— Yes! (Canon 1156).
2. However, for the blessing of bells,— the priest delegated must make use of the formula without unction, inserted in the Ritual by the Sacred Congregation of Rites, Jan. 22, 1908. He must not use the ceremonies of the Pontifical, with the unctions, unless by virtue of an indult from the Holy See.

548. *May a priest, by virtue of an indult, confer, without the consent of the Ordinary of the place, a blessing which is normally reserved to the latter?*

No! (Canon 1157).

2. BLESSINGS RESERVED TO RELIGIOUS ORDERS.

549. *Which are the chief blessings reserved to the Religious Orders?*

1. The Stations of the Cross,— to the Franciscan Minors.
 2. The Rosary or Beads,— to the Friars Preachers.
 3. The Confraternity and Scapular of Mount Carmel,— to the Carmelites.
 4. The Scapular of the Holy Trinity,— to the Trinitarians.
 5. The Scapular of the Passion (black),— to the Passionists.
 6. The Scapular of the Passion (red),— to the Congregation of the Mission.
 7. The Scapular of the Immaculate Conception,— to the Theatines.
 8. The Scapular of the Seven Dolors,— to the Servites.
 9. The St. Thomas' Cord,— to the Friars Preachers.
 10. The St. Benedict's Medal — to the Benedictines.
 11. The Third Orders,—to the Superior of each Religious Order, etc.
- N. B. The power of attaching Apostolic Indulgences to articles of piety is reserved, in principle, to the Holy Father.

550. *How may a priest secure the authorization to give the blessings reserved to Religious Orders?*

In two ways:

1. By a personal indult.—In this case, the best way is to ask for the powers thru the Bishop, since, as a general rule, their exercise is dependent on the permission of the Ordinary.
2. By a general concession of the Superior of the Order, or of the Holy Father, in favor of priests who act as promoters for some special Catholic societies.

551. *What powers to impart reserved blessings are given by delegation to those who promote certain Catholic societies?*¹

1. In favor of the Propagation of the Faith:
 - A. To the priest who, in a parish, has charge of collecting the alms (including, together with the pastor, the assistant who is appointed to see after it), and to the priest who, in the course of the year, pays, out of his own pocket, an amount equal to ten subscriptions, or memberships.
 - B. To the priest who is a member of a diocesan Committee, or to the Diocesan Director; to the priest who, in the course of the year, has paid in the amount of 1000 subscriptions, from whatever source; to the priest who, once for all, pays out of his own pocket a sum equal to 1000 subscriptions (in this case, the powers are granted *in perpetuum*.)
2. In favor of the Society of the Holy Childhood.
 - C. To the priest who is a Director or Member of a Council, or head of a group of 12 associates.
 - D. To the priest who, in the course of the year, pays out of his own pocket a sum equal to 12 memberships; to the priest who becomes a Perpetual Associate by paying, once for all, out of his own pocket the sum of 100 francs. (In this last case, the powers are given *in perpetuum*).
3. In favor of the Society of St. Francis de Sales.
 - E. To priests who are parish Directors; and to their aids, and assistants.
4. In favor of the Society of the Oriental Schools:
 - F. To the priests who work in its behalf.
5. In favor of the Association of Notre Dame de Salut:
 - G. To priests who are Directors of the Central Council, or of Diocesan Committees.
6. In favor of the *Association des Pretres-adorateurs*:
 - H. To all priests who belong to it.
7. In favor of the Priests' Eucharistic League, for the propagation of frequent and daily Communion:
 - I. To all priests who belong to it.
8. In favor of the Priests' League *Pro Ecclesia et Pontifice*:
 - J. To all priests who belong to it.
9. In favor of the *Oeuvre des Campagnes*:
 - K. To all priests who belong to it.

552. *And what are the particular powers of blessings granted to the priests in the various instances?*²

¹ Mention is made here of only the principal Societies established in the dioceses of France. We mention here only the chief of these powers.

N. B. In order to avoid long repetitions, each class of priests will be designated by the letter assigned in the preceding question.

1. *The Stations of the Cross.* Bishops habitually receive from the Minister General of the Friars Minor the faculty to delegate priests for the erection of the Stations of the Cross.

2. *The Rosary or Beads.* Here we must distinguish according to the three kinds of indulgences that can be attached to them:

A. The indulgence of the Crozier Fathers: Propagation of the Faith (A & B); Holy Childhood (C & D); Soc. of St. Fr. de Sales (E); Assoc. of N. D. de Salut (G); Pr. League *Pro Eccl. et Pont.* (J).

B. The indulgence of St. Bridget: Prop. Fid. (A & B); Holy Ch. (C & D); Soc. St. Fr. de S. (E); Soc. of Or. Sch. (F); Ass. N. D. de Salut (G).

C. The indulgence of the Rosary: Prop. Fid. (B); the pastor of every parish in which the Confraternity of the Rosary has been canonically erected.

3. The Scapular of Mount Carmel, (including the blessing of the "scapular medal"¹). Prop. Fid. (A & B); Holy Ch., (C & D); Soc. St. Fr. de Sales (E).

4. The Scapular of the Holy Trinity: Prop. Fid., (A & B); Holy Ch. (C & D).

5. The Black Passion Scapular: Prop. Fid., (A & B).

6. The Red Passion Scapular: Prop. Fid., (A & B).

7. The Blue Immaculate Conception Scapular: Prop. Fid., (A & B); Holy Ch., (C & D).

8. The Seven Dolors Scapular: Prop. Fid., (A & B); Holy Ch., (C & D).

9. The St. Joseph Scapulars: *Pretres-adorateurs.* (H).

10. The St. Thos. Aquinas Cord: Prop. Fid., (A & B).

11. The Seraphic Cord: Prop. Fid., (A & B); Ass. St. Fr. de Sales, (E.)

12. The St. Benedict's Medal: Prop. Fid., (A & B).

¹ The metal Scapular Medal (bearing on one face an image of Our Lord displaying His Sacred Heart, and on the other an image of the Blessed Virgin), can, by itself alone, take the place (conferring, at the same time, all their spiritual favors without exception) of the following scapulars: The scapulars of Mount Carmel, of the Immaculate Conception, of the Passion, of the Sacred Heart, of St. Joseph, of St. Michael, of the Seven Dolors, of the Holy Trinity, and, in general of all those scapulars which are not proper to the Third Orders (S. Off., Dec. 16, 1910, and June 4, 1913). The habit of the Third Orders cannot be replaced by a medal (S. C. Relig., March 29, 1922).

As a necessary condition, however, it is required that the wearer shall have been enrolled previously in the scapular which the medal is intended to replace. But soldiers are permitted to receive the blessed Scapular Medal without any previous enrollment in the woolen scapular; and this enrollment holds good for their whole life (Pius X, Jan. 13, and March 22, 1912).

13. The Miraculous Medal of the Immaculate Conception: Prop. Fid., (A & B).

14. The Third Order of St. Francis (the reception of the faithful, the concession of indulgences, and the creation of Fraternities): Prop. Fid., (A & B); *Pretres-adorateurs* (H).

15. The application of Apostolic Indulgences to articles of piety (by means of a single sign of the cross; in private, at all times; in public, during Missions and during the spiritual exercises of Lent and Advent accompanied by an instruction): Prop. Fid., (A & B); Holy Ch. (C & D); Soc. of St. Fr. de Sales, (E); Soc. of Or. Sch., (F); Ass. of N. D. de Salut, (G).

16. The application to crucifixes of the Indulgence of the Way of the Cross: Prop. Fid., (A & B); Soc. of St. Fr. de Sales, (E); *Pretres-adorateurs* (to the General and Diocesan Directors only).

17. The Apostolic Blessing with Plenary Indulgence, at the Hour of Death: The pastor, of any other priest who attends the sick, using the liturgical books.

18. Blessing the Immaculate Conception Beads: Soc. of St. Fr. de Sales, (E); *Pretres-adorateurs* (H).

19. The Papal Blessing with Plenary Indulgence: Eucharistic League (I), at the end of a triduum of Eucharistic sermons; Priests' League *Pro Ecclesia et Pontifice* (J), at the close of a course of Lenten sermons, or at the close of Missions and Spiritual Exercises; *Oeuvre des Campagnes* (K) (at the annual diocesan convention).

20. The power to impose on the faithful by one single formula the scapulars of the Holy Trinity, the Immaculate Conception, the Seven Dolors, and the Passion: Prop. Fid., (A & B); Holy Ch., (C).

553. *When powers are granted for a certain specified time, what steps should be taken to have them renewed?*

We must distinguish:

1. For individual powers, refer to Rome, thru the diocesan Chancery.

2. For general powers granted in favor of some certain Catholic society, this duty devolves upon the Directors General of the Society.

3. NON-RESERVED BLESSINGS.

554. *What are the objects whose blessing is not reserved to the Ordinary, nor to any Religious Order?*

"*Sacra Supellex*", that is, the sacred linens, the vestments, and the sacred vessels which do not call for a consecration (ostensorium, reliquary, vessels for the Holy Oils) (Canon 1304).

555. *Who has the right to bless these things?*

According to Canon 1304.

1. Pastors, for the churches and oratories within the limits of their parish; the chaplain in charge of a church, for that church.
2. Priests delegated by the Ordinary, within the limits of their delegation.
3. Religious Superiors and the priests of their Order or Congregation delegated by them, for their own churches and oratories, and for those of the Sisters under their jurisdiction.

N. B. The following questions give practical instruction concerning church furnishings.

556. *When do church utensils lose their consecration or blessing?*

In two cases (Canon 1305, § 1):

1. When they have suffered breakage or alterations that make them lose their primitive form to such a degree that they can no longer serve their normal purpose.
2. When they have been used for unbecoming purposes, or have been exposed for public sale.

557. *A chalice and paten lose their consecration by the wearing away, or by the renewal of their interior plating?*

No! But in the former case, there is a serious obligation of having them re-plated (Canon 1305, § 2).

558. *Where should the chalices and other sacred vessels be kept?*

In the sacristy, or in some other safe and decent place (Canon 1296).

559. *Who is allowed to touch the sacred vessels and linens?*

The chalices, patens, purificators, palls, and corporals, (before being washed), which have been used for the Holy Sacrifice, may be touched only by clerics, or by lay persons who have charge of them (Canon 1306, § 1).

560. *What rules are to be observed in the washing of the sacred linens?*

1. Before giving them to lay people to be washed, a first washing must always be given them by a cleric in Major Orders; the water from this washing must be thrown into the *piscina*, or if there is none, into the fire (Canon 1306, § 2).
2. The other two traditional washings may be done by lay persons.

C. THE RECONCILIATION OF VIOLATED CHURCHES

561. *Who has the power to reconcile violated churches?*¹

1. If the church had merely been blessed,—the pastor, or any other priest, with the consent (at least presumed) of the pastor.

¹ A church may be violated by any of the following acts: the crime of homicide, serious shedding of blood as a consequence of unjust aggression, impious or shameful use, or the burial of an infidel or of an excommunicated person (Canon 1172, § 1).

2. If the church had been consecrated,—:
 - A. Normally,— the Ordinary of the place (the Major Superior for the church of exempt religious), or his delegate (Canon 1156, § 2).
 - B. In case of urgent necessity, if recourse cannot be had to the Ordinary,— the pastor (with, however, the obligation of afterwards notifying the Ordinary).

BOOK II

Disciplina Pastoralis

In Book Two we have the rules which the New Code lays down for pastors of souls, for the spiritual and temporal administration of their parishes.

- Section 1. The Profession of Faith, and the Canonical Installation.
- Section 2. General Remarks on the Duties and Rights of Pastors.
- Section 3. Residence.
- Section 4. Divine Worship.
- Section 5. The Christian Instruction of the Faithful.
- Section 6. The Care of the Sick.
- Section 7. Pious Associations.
- Section 8. Ecclesiastical Burial.
- Section 9. Collections.
- Section 10. The Temporal Administration of Parishes.
- Section 11. Parish Records.

SECTION I

INSTALLATION AND PROFESSION OF FAITH

562. *What is to be done by the ecclesiastic who is appointed to a certain office?*

1. He must make the Professions of Faith of Pius IV and Pius IX (Canon 461), and must take the anti-Modernism oath prescribed by Pius X (S. Off., March 22, 1918).

2. He must be installed in office (Canons 1443 et seqq.).

563. *What persons in a diocese are bound to make the Profession of Faith and take the oath?*

Canons, Diocesans Consultors, the Vicar-General, pastors, superiors and professors in the Grand Seminary, clerics called to subdeaconship, censors of books, confessors and preachers before receiving power to exercise their functions (Canon 1406, § 1, Nos. 5-7).

564. *In whose presence is the Profession of Faith to be made, and the Oath taken?*

In the presence of the Ordinary or his delegate (Id.).

565. *When is this to be done?*

Before, or at the time of taking possession of the new charge (Canon 461).

566. *Must the Profession of Faith and the Oath be repeated, if there is a transfer from one charge to another?*

Yes! (Canon 1406, § 2).

567. *Who has the right to install an ecclesiastic in possession of his charge?*

The Ordinary or his delegate (Canon 1443, § 2).

568. *How soon after the appointment to a charge should the canonical installation take place?*

Within the time set by the Ordinary (Canon 1444, § 2).

569. *What is the significance of canonical installation?*

Only after canonical installation has the pastor truly charge of souls (Canon 461).

570. *May one take possession of an office by means of a proxy?*

Yes! (Canon 1445), provided, however, that the appointee has first personally made the Profession of Faith and taken the Oath (Canons 461 and 1407).

571. *Can the Ordinary dispense an ecclesiastic from the regular form of taking possession of his charge?*

Yes, for just reasons. This dispensation, given in writing, is equivalent to a formal taking possession of the charge (Canon 1444, § 1).

SECTION II

REMARKS OF THE DUTIES, FUNCTIONS, AND RIGHTS (CASUAL) OF PASTORS

572. *What are the principal duties of a pastor?*

According to Canons 466-470:

1. To offer Mass for his parish on certain days (See page 159).
2. To celebrate the Divine Office.
3. To administer the sacraments to the faithful whenever they are entitled to them.
4. To strive to know his flock, and prudently to bring back the erring to the fold.
5. To show paternal charity to the poor and needy.

6. To take the greatest care of the Christian training of the young.
7. To exhort the faithful to assist often, when they can conveniently do so, at the parish services, and to hear the preaching of the word of God.
8. To assist the sick of the parish, especially those who are dying, by fortifying them with the sacraments and recommending their souls to God.
9. To give without fail the Plenary Indulgence *in articulo mortis* to those who are dying.
10. To see that within the limits of his parish, no teaching is given that is contrary to faith and morals, especially in public and private schools.
11. To foster and establish associations of charity, faith, and piety.
12. To keep the parish records carefully and systematically (See page 230).

573. *What are the functions reserved to the pastor?*

According to Canon 462:

1. Solemn Baptism.
2. Carrying the Blessed Sacrament publicly to the sick.
3. Carrying the Viaticum (publicly or privately) to the sick.
4. Administering Extreme Unction.
5. Publishing the banns for ordinations and marriages.
6. Celebrating marriages, and giving the nuptial blessing.
7. Officiating at funerals.
8. Blessing houses according to the liturgy.
9. Blessing the Baptismal Font on Holy Saturday.
10. Presiding over public processions outside the church.¹
11. Giving solemn blessings outside the church.

574. *To what perquisites (casual) has the pastor a right?*

1. To those which are allowed him either by approved custom or by a regular, established schedule (Canon 463, § 1), under pain of restitution, if he exacts more.
2. Nevertheless, a pastor cannot refuse his ministrations to those who cannot pay (§ 4).

575. *If a priest other than the pastor performs some parish function, to whom does the offering belong?*

According to Canon 463, § 3:

1. If those who make the offering give only the customary fee,—it belongs to the pastor.

¹ Even when these processions start from another church if they are held within the limits of his parish. This rule, however, does not apply to processions on Corpus Christi (Pont. Com. for the Int. of the Code, Nov. 12, 1922).

2. If they give more than the customary fee,—
 - A. If it is plainly their wish to favor the priest who performed the function,— that which is over and above the usual offering belongs to him.
 - B. If this wish is not plainly evident,—then all goes to the pastor.

SECTION III—RESIDENCE

576. *Where should the pastor reside?*

According to Canon 461, § 1:

1. As a general rule,— in the presbytery, near the church.
2. With the permission of the Ordinary, for a just reason,— somewhere else, provided that the distance from the parish church does not interfere with the fulfillment of his pastoral duties.

577. *On what conditions may a pastor absent himself from his parish?*

Questions to consider:

1. How many vacations may he take in the course of the year?
2. How long may each of these vacations be?

578. *How many vacations may a pastor take in a year?*

According to Canon 465, § 2:

1. As a general rule,— he may take at most two months in a year, either piecemeal at different times, or all at once.
2. By exception,— for a serious reason, of which the Ordinary is the judge, this time may be extended or reduced.

579. *Does the time spent at the Spiritual Retreat count as part of the two months allowed?*

No! (that is, for one Retreat in the year) (Canon 465, § 3).

580. *How long may a pastor stay away at a time?*

1. If a pastor is to be away for less than a week, it is enough that he provide for the spiritual needs of his people; especially if particular circumstances make his absence necessary (Canon 465, § 6).

2. If he is to be absent for more than one consecutive week, he must (Canon 465, § 4):

A. Have a legitimate reason.

B. Obtain the written permission of the Ordinary.

C. Secure the approval of the Ordinary for the priest who is to be his substitute (*vicarius*) and who, unless the Ordinary or the pastor himself makes certain restrictions, enjoys all the prerogatives of the pastor regarding the care of souls (Canon 474).

3. If, for any unforeseen and serious reason, a pastor is obliged to be absent for more than a week without being able to secure the per-

mission of the Ordinary, he must notify him as soon as possible, stating the reason for his absence and the name of his substitute; and he must then abide by the decision of the Ordinary (Canon 465, § 5).

581. *Can a cleric who has no charge which demands residence, leave he diocese to which he belongs, in order to establish himself elsewhere?*

He cannot do this for a notable period, without the authorization (at least presumed) of his Ordinary (Canon 143).

582. *When may a Bishop recall a cleric whom he has authorized to live in another diocese?*

He may do this for a just reason, observing, however, the demands of natural equity (Canon 144).

583. *Can the Ordinary of the diocese refuse an alien priest permission to remain in the diocese?*

Yes!, for a just reason, and if he has not appointed him to any charge. (Canon 144).

SECTION IV—DIVINE WORSHIP

Under this heading, we shall consider:

1. General principles concerning divine worship.
2. Edifices devoted to divine worship.
3. Altars.
4. The Holy Sacrifice of the Mass.
5. Devotion to the Blessed Sacrament.
6. Devotion to the Saints, their relics and images.
7. Sacred Music.
8. Processions.
9. Feastdays, fastdays, days of abstinence.
10. Vows and oaths.

CHAPTER I

General Principles Regarding Divine Worship

584. *What is meant by public worship?*

That which is performed in the name of the Church, by persons regularly invested with this office, by means of acts instituted by the Church (Canon 1256).

585. *Who can make regulations concerning worship?*

Only ecclesiastical superiors can do this (Canon 1260).

586. *Who has the right to establish the general rules of liturgy, and to approve liturgical books?*

The Holy See alone (Canon 1257).

587. *How may we know whether the liturgical books or extracts therefrom, are in conformity with the editions approved by the Holy See?*

See whether they bear the attestation of the Ordinary of either the printer or the editor (Canon 1390).

588. *What must a pastor (or chaplain) do, who wishes to establish new prayers or pious practices in a church (or oratory)?*

He must first submit them to the Ordinary and obtain express permission from him (Canon 1259).

589. *May authorization be obtained from the Ordinary to publicly recite new litanies?*

No! This authorization is reserved to the Holy See (Canon 1259, § 2).

590. *What seats should the men and the women occupy in church?*

It is to be desired that, in accordance with the ancient discipline of the Church, they should occupy separate sections of the Church (Canon 1262, § 1).

591. *May places be specially reserved in the church for certain persons?*

1. For the civil authorities,—yes! (§ 1).

2. For the simple faithful,—no!, unless by special permission from the Ordinary. The Ordinary may withdraw such permission at any time, for a just reason (§ § 2-3).

592. *May the faithful assist at the religious services of non-Catholics?*

We must distinguish (Canon 1258):

1. If it is to take an active part in such services,—No! (§ 1).

2. If it is to assist passively,—yes!, under certain conditions.

593. *Under what conditions may a Catholic assist passively at the religious services of non-Catholics?*

According to Canon 1258, § 2:

1. At funerals, marriages, and other ceremonies of like nature.

2. For a serious reason of "courtesy", which, in case of doubt, should be submitted to the judgment of the Bishop.

3. On condition that there shall be no danger of either perversion or scandal.

CHAPTER II

Edifices Devoted to Divine Worship

594. *What buildings are devoted to divine worship?*

Churches and oratories.

595. *What is the difference between a church and an oratory?*

1. A church is particularly intended for the use of all the faithful for public worship (Canon 1161).

2. An oratory is not intended principally for all the faithful (Canon 1188, § 1).

I. CHURCHES

596. *Who has the right to authorize the building of a new church?*

The Bishop alone, and personally (Canon 1162, § 1). He has the right and duty to investigate all the circumstances, and impose the necessary conditions (Canons 1162-1165).

597. *May a church be connected with the house of a lay person?*

No!, neither by door or window (Canon 1164, § 2).

598. *Is it allowed to inter bodies within the church edifice?*

No!, except in the case of Bishops, Abbots, the Pope, royal personages, or Cardinals (Canon 1205, § 2). And even in such cases, the body must be placed at a distance of at least three feet from the altar (Canon 1202, § 2).

599. *Is it allowed to bury the faithful in the crypt of a church?*

No!, if the crypt is really a church, devoted to divine worship (Pont. Com. for the Int. of the Code, Oct. 16, 1919, No. 14).

600. *Is it permitted to put up epitaphs, (inscriptions and names), in churches or their crypts?*

No!, with the exception of those persons who, in accordance with Canon 1205, § 2 (see above), are permitted burial therein (S. C. Rit., Oct. 20, 1922).

601. *Is it allowed to hold picture shows in church, either by stereopticon or by cinematograph?*

No!, this is absolutely forbidden (S. C. Consist., Dec. 10, 1912).

602. *May the space in the basement or the space above a church be used for purely profane purposes?*

No! (Canon 1164, § 2).

603. *When may a church be used for divine worship?*

When it is consecrated, or at least blessed (Canon 1165, § 1). (For further details, see Canons 1165-1168).

604. *When does a church lose its consecration or blessing?*

In two cases only (Canon 1170):

1. When it is totally destroyed, or when the larger part of the walls have collapsed.

2. When the Bishop has reduced it to profane uses because it could no longer serve for divine worship, and he had no means to restore it (Canon 1187).

605. *What duties are incumbent on a priest in charge of a church?*

In accordance with Canon 1178:

1. He must see that it is kept clean.

2. He must see that no business transactions or sales shall be held in the church, even for a pious purpose; and in general he

must prevent everything that is not in accord with the sanctity of the place.

606. *May admission be charged for entrance into a church?*

Entrance into a church for a religious ceremony must be absolutely gratuitous, all customs to the contrary being condemned (Canon 1181).

607. *When may religious services in a church be interrupted?*

When the church is violated (Canons 1172 et seqq.).

608. *By what acts is a church violated?*

Only by acts which are certainly and notoriously committed in the church itself. (These acts are enumerated on page 136, note 1).

609. *What is to be done if the church is violated during some religious service?*

We must distinguish (Canon 1173, § 2):

1. If it is a service other than Holy Mass, the service is to be discontinued immediately.

2. If the violation occurs during Mass:

A. If it is before the Canon, or after the Communion,—the Mass is to be discontinued immediately.

B. If it is after the Sanctus and before the Communion, the Mass is to be continued until after the Communion.

610. *What are the consequences of the violation of a church?*

Until the church is reconciled, it is not permitted either to hold divine worship in the church, or to administer the sacraments in it, or to hold funeral services in it (Canon 1173, § 1).

611. *What course of action is to be followed when a church is violated?*

It must be reconciled as soon as possible (Canon 1174, § 1); if there is any doubt as to the violation, it may be reconciled *ad cautelam* (§ 2). But if the violation is the result of the burial of an excommunicated or unbaptized person, the church must not be reconciled until the body has been removed, if this can be done without grave inconvenience (Canon 1175).

612. *Who can reconcile a violated church?*

Consult Canons 1176–1177 (See page 136).

2. ORATORIES

613. *How many kinds of oratories are there?*

According to Canon 1188, § 2, there are three kinds:

1. Public oratories,—erected principally for a community, or even for private individuals, but in such a manner that all the faithful have the recognized right to enter at least at the time of divine service.

2. Semi-public oratories,—intended for the use of a community or of an association of the faithful, so that the public in general has not the right to enter.

3. Private or domestic oratories,—established in a private house for a private person or family.

614. *What are the rules that govern public oratories?*

Public oratories are in all things governed by the same laws that apply to churches (Canon 1191). See pages 142, 143.

615. *What are the rules that govern semi-public oratories?*

1. ESTABLISHMENT. They cannot be erected without the authorization of the Ordinary (Canon 1192, § 1). This authorization is to be granted only after a visit made by the Ordinary or his delegate to inspect the site and equipment.

2. BLESSING. There is no obligation to have them blessed at all; but if so desired, they may be blessed according to the ritual for the blessing of churches, or according to the common *benedictio locorum* or *benedictio domorum* (in accordance with Canon 1196).

3. USE. Once authorized by the Ordinary, they may not be again devoted to profane use without his permission (Canon 1192, § 3); they must be used solely for divine worship, and not for any domestic purposes (Canon 1196, § 2).

4. FUNCTIONS. Unless the Ordinary has made certain restrictions, all the offices and sacred functions authorized by the rubrics may be performed in semi-public oratories (Canon 1193).

5. PLURALITY. In communities (colleges and other institutions for the education of the young, high schools, gymnasias, barracks, prisons, hospitals, etc.), there should be no other oratories erected than the principal one, unless the Ordinary holds that necessity or great utility demands them (Canon 1192, § 4).

6. LOCALITY. Here we must distinguish:

A. Rooms beneath semi-public oratories, and rooms to one side of them, may be used for profane purposes, even as bedrooms. (No prohibition extant; the common opinion of authorities).

B. As for rooms above semi-public oratories, we must make a further distinction:

(1). Floors separated from the oratory by a double ceiling, — same ruling as above.

(2). Floors situated immediately above the oratory,—these must not be used as bedrooms, unless by virtue of an indult. The presence of a baldachino does not justify such use (S. C. Rit., Nov. 28, 1880, Jan. 24, 1908).

616. *What are the rules that govern private oratories?*

(As this question is of interest to but few persons, it is not necessary to deal with it here. See Canons 1194-1196).

Let us merely say that, unless by virtue of a special privilege from the Holy See, it is not possible to satisfy the obligation of hearing Sunday Mass in a private oratory; nor is it permitted to say Mass in such oratories on holydays of obligation (Canons 1195 and 1249).

CHAPTER III

Altars

617. *How many kinds of altars are there?*

In the liturgical sense, there are two kinds of altars (Canon 1197, § 1):

1. The immovable, or fixed altar; in this the upper table is one with the base; and the altar is consecrated as a whole.

2. The movable, or portable altar; by this is meant the "altar stone", or "sacred stone", generally small in size, which is consecrated alone; or again, the whole altar, when the base is not consecrated.

618. *What kind of altars are required in a church?*

Immovable altars are required in consecrated churches only (Canon 1197, § 2).

619. *What are the canonical rules that apply to altars?*

N. B. Immovable or fixed altars are comparatively few in number. With regard to them, see Canons 1197-1202.

The following rules apply to all altars:

1. CONSTRUCTION. An altar must consist of one piece of solid, natural stone, complete and not fragile (Canon 1198, § 1), large enough to hold at least the host and the greater part of the chalice (§ 2), having a *sepulchrum* containing relics of certain saints and sealed with a stone; and it must be consecrated by the Bishop (Canon 1199).

2. DEDICATION. Without an indult from the Holy See, altars cannot be dedicated to the Blessed (Canon 1201, § 4).

3. USE. All altars are reserved for divine worship, and particularly for the celebration of Mass; all profane uses are absolutely forbidden¹ (Canon 1202, § 1). Mass may not be said on an altar if a corpse has been buried within three feet of it (§ 2).

4. EXECRATION. An altarstone loses its consecration (Canon 1200, § 2):

¹ Therefore it is not permitted,—and the practice is an unseemly one in any case—to use the lower part of the altar as a closet or storage place.

- A. If it suffers any considerable fracture, so that either it is broken into two or more notable fragments, or some of the anointed portions are broken off.
- B. If the relics are removed, or if the cover of the *sepulchrum* is broken or removed,¹ except in cases where the Bishop or his delegate removes this cover for the purpose of fastening, repairing, or replacing it, or for the purpose of inspecting the relics.

CHAPTER IV

The Holy Sacrifice of the Mass

Questions to consider:

1. The dispositions of the priest.
2. Visiting priests.
3. Bination.
4. Rites and Ceremonies of the Mass.
5. Time of saying Mass.
6. Place of celebration of the Mass.
7. Mass Stipends.
8. Masses "*pro populo*."
9. Parish Masses.

1. THE DISPOSITIONS OF THE CELEBRANT

I. GENERAL RULES

620. *What dispositions are required of the priest who says Mass?*

1. The state of grace (Canon 807).
2. The obligation to be fasting (Canon 808), under pain of suspension (Canon 2321).

However, according to a circular letter to the Bishops, issued by the Holy Office, March 22, 1923, any priest who is binating,—or compelled to say a late Mass,—and who suffers grave inconvenience from observing the regular Eucharistic fast,—may, if the spiritual good of the faithful (not, however, the personal devotion or utility of the Celebrant) warrants it,—obtain from his Ordinary,—permission to take before the late Mass something *per modum potus*, provided the liquid be not of an intoxicating nature. (The Holy Office makes no decision as to the quantity of liquid that may be taken, nor as to the interval of time between the taking of the liquid and the celebration of Mass).

¹ A slight breakage of the cover does not entail the execration of the altarstone; and any priest has the right to fill up the cracks with cement (Canon 1200, § 3).

3. An intention. The priest may offer the Mass for the living,— for the dead who are in Purgatory (Canon 809),— for excommunicated persons (privately, however; and, in case they are *vitandi*, for their conversion only) (Canon 2262, § 2, No. 2).

4. Clerical garb. The cassock (Canon 811, § 1); no calotte or ring, unless by apostolic indult (§ 2).

5. Preparation and thanksgiving (Canon 807).

II. SPECIAL RULES CONCERNING THE EUCHARISTIC FAST

621. *Does the law of Eucharistic fast for the celebration of Mass, like that for the Communion of the sick, admit certain modifications?*

Yes!, for reasons and under conditions rigorously stipulated (S. Off., March 22, 1923).

622. *What are the reasons that permit the modification of the Eucharistic fast for the celebration of Mass?*

One reason only, namely, that it be necessary for the welfare of the faithful. The devotion, or the private utility of the celebrant is not a sufficient reason (Same decision).

623. *Under what circumstances can a priest secure dispensation from the Eucharistic fast for the celebration of Mass?*

When a priest is bound to accommodate a notable number of the faithful of a parish by means of a Mass of bination, or by means of a Mass at a late hour, and when he cannot, without serious inconvenience, strictly observe the law of fast, by reason of his ill health or by reason of the excessive fatigue of the holy ministry, or for other reasonable motives (Same decision).

624. *Who has the right to judge concerning the value of the reasons alleged, and to then grant dispensation from the Eucharistic fast for the celebration of Mass?*

1. As a general rule,—:

A. The Ordinary must have recourse to the Holy Office, setting forth very carefully all the circumstances of fact.

B. The Holy Office grants either individual dispensations to the persons in question, or, when circumstances demand it, habitual faculties of dispensing to the Ordinary.

2. In urgent cases,— when there is no time to have recourse to the Holy See, the Ordinary may dispense on his own serious responsibility (Same decision).

625. *Under what conditions may a priest make use of this dispensation?*

Under three conditions (same decision):

1. That he takes only liquid food (see page 148; and that this be not of an intoxicating character.

2. That all scandal be securely guarded against.
3. That the Holy See be notified as soon as possible of the dispensation granted by the Ordinary.

626. *If a priest is thus dispensed from the Eucharistic fast because of the necessity of binating, is he permitted to consume the ablutions at the first Mass?*

Yes! (S. Off., Nov. 16, 1923).

2. VISITING PRIESTS

627. *When may the rector of a church (pastor, chaplain, superior of a community, etc.), permit a visiting priest to say Mass in his church?*

When the visitor presents an authentic "*celebret*" that is still in force. This *celebret* is issued by his Ordinary if he is a diocesan priest; by the Sacred Congregation of the Oriental Church if he is of the Oriental rite (Canon 804, § 1); by his Superior, if he is a religious. Provided, however, that since the date of issuance of the *celebret* or authorization, the visitor has not committed any notorious crime that would call for a refusal (Canon 804, § 1).

628. *When may the rector of a church permit a visiting priest to say Mass without a celebret?*

We must distinguish:

1. If he is sure of the visitor's good character, he may give him permission unconditionally (Canon 804, § 2).

2. If he does not know the visitor, he may permit him to say Mass once or twice on the following conditions: namely, that the visitor is wearing ecclesiastical garb; that he does not receive any remuneration under any title from the church where he says Mass; and that he signs his name, his office, and his diocese in a register kept for that purpose (Canon 804, § 2).

629. *When a priest is authorized to say Mass in a church, to whom does it pertain to furnish the things necessary for the celebration of Mass?*

To the priest in charge of the church (Canon 1303, § 2).

630. *May a fee be asked from the visiting priest who says Mass in a church?*

Yes!, but only on the following conditions:

1. If the church is poor (Canon 1303, § 2).
2. If the visiting priest celebrates Mass for his own convenience (Id.).
3. If the Ordinary has sanctioned the charging of a moderate fee.

631. *Who has the right to fix the amount of such fee?*

The Bishop alone — personally, in particular cases; thru a diocesan synod, or at least after consulting the Chapter, when the ruling is to apply to the whole diocese (Canon 1303, §§ 3-4).

631a. *Is it allowed to exact a larger fee than that fixed by the Bishop?*

No!, not even by religious in their own chapel (§ 3).

3. BINATING

632. *May a priest celebrate Mass several times the same day?*

1. As a general rule,— No! (Canon 806, § 1).

2. By exception,—:

A. According to Canon Law, every priest may say three Masses on Christmas Day, and on the feast of All Souls (Canon 806, § 1). Three stipends may be accepted on Christmas Day (Canon 824, § 2); only one, however, on All Souls' Day (Constitution of Aug. 20, 1915).

B. By apostolic indult or authorization of the Ordinary, further exceptions may be secured.

633. *May a priest, of his own accord, assume the right to binate because, for instance, he considers that it is necessary to say two Masses the same day?*

No!, except in a sudden and unforeseen contingency, when it would be necessary to binate in order to provide Viaticum for a dying person (The opinion of moral theologians).

634. *When may the Ordinary permit a priest to binate?*

Only when, in his prudent judgment, a notable portion of the faithful would otherwise find it impossible, because of the lack of priests, to attend Mass on a Sunday or a holyday of obligation (Canon 806, § 2).

635. *May a Bishop authorize a priest to say more than two Masses on the same day?*

No! (Canon 806, § 2).

636. *May a Bishop authorize a pastor to binate if there is another priest present who could say one of the two Masses, and who would be willing to do so?*

No!, (According to Canon 806, § 2, *propter penuriam sacerdotum*).

637. *In practice, what are the circumstances in which the Ordinary can authorize a pastor to binate on Sundays and holydays of obligation (no other priest being present)?*

1. According to the decisions handed down by the Roman Congregations, there are two principal circumstances:

- A. When the same priest has charge of two congregations which are so far apart that the people cannot easily come to the same church.
 - B. When a church is too small to hold at one Mass all the faithful of the parish.
2. Even outside the two cases enumerated above, if a notable number of the faithful (10 to 15, according to the more liberal moralists) found it really impossible to attend the one Mass on days of obligation, the Bishop could, for lack of another priest, authorize the pastor to binate. (In accordance with the general terms of Canon 806, § 2, *notabilis fidelium pars Missae adstare non possit*).

638. *Is a priest allowed to binate for reasons of mere convenience?*

Never!, unless, indeed, he has an apostolic indult. Neither is he permitted to do so to provide for a funeral; nor to accommodate the devotion of the faithful who wish to receive Communion; nor to give the people a Mass on a day which was once a holyday of obligation but is now suppressed; nor to say Mass in a private oratory; nor to enable the members of a confraternity to gain a plenary indulgence; nor even, according to the terms of a decree of the S. C. Conc., May 10, 1897, to meet the convenience of the faithful on a holyday of obligation (where there is no real necessity).

4. RITES AND CEREMONIES

639. *In saying Mass, what rite must the priest follow?*

The rite to which he belongs, both as regards the bread used (leavened or unleavened) (Canon 816), the vestments (Canon 811, § 1), the ceremonies (Canon 818), the language (Canon 819); this, even if he says Mass on an altar of a different rite (Canon 823, § 2).

See on page 20, the qualities required for the bread and wine to be used in saying Mass.

640. *May a priest, at least in case of extreme necessity, consecrate one matter without the other? or both species outside of Mass?*

Never! (Canon 817).

641. *May a priest alter the rubrics, or add to the ceremonies or prayers?*
No! (Canon 818).

642. *May the priest who says Mass have an assistant priest?*

We must distinguish:

1. If it is solely for the sake of honor or solemnity,— No! This is a privilege that is reserved to Bishops and Prelates who have the right to celebrate Mass pontifically (Canon 812).

2. If it is for the sake of utility, (a first Mass, or the Mass of a sick priest),— Yes! Such assistance is even recommended to every priest who says Mass for the first time (S. C. Prop., Mar. 1, 1902).

643. *May a priest say Mass without a server?*

No! (Canon 813, § 1). There must be a server, who will assist at the altar and answer the prayers.

644. *May a woman serve Mass?*

According to Canon 813, § 2:

1. As a general rule,— No!

2. By exception:

A. Yes,— if there is no other server present, and a just reason demands it.

B. But on condition that she answers the prayers from a distance, and that she does not come near the altar.

5. THE TIME OF MASS

645. *On what days may a priest say Mass?*

On all days but those which are excepted in his own rite (Canon 820); that is, in the Latin rite, Holy Thursday, Good Friday, and Holy Saturday. On these three days, Mass is permitted only on the following conditions:

1. On Holy Thursday, the only Masses permitted, apart from an apostolic indult, are:

A. The Solemn Mass, with all the ceremonies of the day, in churches or in public or semi-public chapels.

B. One Mass only in the houses of regulars of solemn vows, said by the Superior, in order to give Communion to the religious; and this, in a chapel in the church, but with the doors closed (S. C. Rit., Aug. 31, 1839, Dec. 9, 1889).

By a decree of the S. C. Rit., Mar. 17, 1922, Bishops of the United States may permit a low Mass on Holy Thursday in the chapels of religious communities. The religious may make their Easter Communion at that Mass.

2. On Good Friday,— only the Mass of the Presanctified.

3. On Holy Saturday,— only the Solemn Mass, with all the ceremonies of the day. The Bishop, however, and he alone, may say a private Mass in his own oratory, beginning with the Prophecies, for the purpose of conferring Sacred Orders (Pontifical; S. C. Rit., May 9, 1857).

646. *At what hour may Mass be said?*

Mass may not be begun more than one hour before the "*aurora*"

nor more than one hour after midday (Canon 821, § 1). Midnight Mass, however, may be said under certain conditions¹ (§ 3).

947. *What are the conditions under which midnight Mass may be said at Christmas?*

1. Where?—In Parish churches, and in religious or pious houses which have oratories with the right to habitually keep the Blessed Sacrament there (Canon 821, § 2-3).

2. How many?—According to the Code (Canon 821, § 2-3), only the parish Mass can be said in parish churches, unless by virtue of a special indult. In religious houses, only one priest may say Mass at midnight; he, however, may say one Mass or three, as he pleases.

3. At what hour?—The midnight Mass must not be begun before twelve o'clock (Canon 821, § 2).

6. THE PLACE OF MASS

648. *In what place may Mass be said?*

As a general rule,—it must be said on a consecrated altar, and in a consecrated (or blessed) church or oratory (Canon 822, § 1).

649. *Under what conditions may Mass be said outside of a consecrated or blessed church or oratory?*

1. It may be said habitually, by one who enjoys the privilege of the portable altar, which gives him the right to say Mass in any decent place on that sacred stone (Canon 822, § 2-3). This privilege is granted either:

A. By the Code,—to Cardinals and Titular Bishops (Canons 239 and 349).

B. Or by an apostolic indult,—which does not carry with it permission to say Mass on board ship (Canon 822, § 3).

2. In extraordinary cases, and *per modum actus*,—the Ordinary of the place (or the Religious Superior) can grant permission to say Mass outside of a church or oratory; but this is only for a just and reasonable cause (Canon 822, § 4).

650. *May a priest celebrate Mass on an altar consecrated according to another Catholic rite?*

Yes!, if no altar of his own rite is available; but even then the Mass must be said according to his own rite (Canon 823, § 2).

651. *In what places it is always forbidden to say Mass?*

1. In a bedchamber (Canon 823, § 4).

2. In a church belonging to heretics or schismatics, even though it had formerly been consecrated or blessed (Canon 823, § 1).

¹ In saying a private Mass, the priest may follow the local time (real or standard), or the legal time (regional or extraordinary). (Canon 33, § 1.)

7. MASS STIPENDS

652. *What have we to consider on the subject of Mass Stipends?*

1. General Rules.
2. Bination Masses.
3. Foundation and Manual Masses.

GENERAL RULES

653. *Is it permitted to accept an honorarium for applying a Mass for a particular intention?*

Yes! (Canon 824, § 1).

654. *Is it permitted to offer Mass in advance for intentions which may be requested later on, and to keep the stipends given later as honorariums for Masses said previously?*

No! (Canon 825, § 1).

655. *May a priest accept a stipend for a Mass whose application is already due from another title?*

No! (Id., § 2).

656. *May a priest accept two stipends for the same Mass?*

No! (Id., § 3).

657. *May a priest accept a stipend for the celebration of the Mass, and another stipend for its application?*

No!, unless it is evident that a stipend is offered solely for the celebration of the Mass, exclusive entirely of its application (Id., § 4).

658. *If a priest has accepted stipends of a lower rate, must he say as many Masses as he has accepted stipends?*

Yes!, no matter how small the stipends may be (Canon 828).

659. *Is a priest bound to say the Masses, if, after receiving the stipends, he chances to lose them?*

Yes!, even if there was no fault on the part of the priest who promised to say the Masses (Canon 829).

660. *If the person who gives the Mass stipend specifies certain circumstances (of time, place, solemnity, etc.), is the priest who accepts the stipend bound to comply with those specifications?*

Yes! (Canon 833).

661. *What must be sedulously avoided with regard to Mass Stipends?*

All appearance of negotiation or trafficking (Canon 827).

662. *What practices in particular are forbidden?*

Turning over Mass stipends to bookstores, publishers of papers or magazines, dealers in vestments and church goods, even though this business is conducted by religious establishments (Decree *Ut Debita*, May 11, 1904, No. 8).

BINATION MASSES

663. *May a priest accept several stipends for the same day?*

As a general rule,—No!, unless by apostolic indult. Christmas Day, of course, is an exception (Canon 824, § 2).

664. *When one Mass is due from a title of justice, may the priest accept a stipend for the second Mass?*

No! (Id.) For instance, the case where the first Mass is offered *pro populo*, or where it fulfills the obligation of a foundation.

665. *May a priest who binates, accept some remuneration extrinsic to the intention of the Mass itself?*

Yes! For instance, for the fatigue entailed by binating (Id.).

666. *May a priest who binates, satisfy, by the second Mass, obligations which are not imposed by a title of justice?*

Yes! For instance, Masses for deceased fellow-priests.

667. *May the Ordinary of the place compel his priests to apply the Mass of bination in favor of some pious cause?*

Yes! (S. C. Conc., May 8, 1920).

FOUNDATION MASSES; MANUAL MASSES

668. *Whence do Mass stipends come?*

From three sources:

1. They are given, as it were, from hand to hand, either by the devotion of the giver, or in virtue of an obligation (even perpetual) imposed by a testator on his lawful heirs. These constitute what are called "Manual" Masses (Canon 826, § 1).

2. They may come from Foundations; that is, not being able to be said either in the place of the foundation, or by the priest who should regularly say them, they may, according to the Code or by virtue of an apostolic indult, be confided to other priests. These constitute what are called "Quasi-Manual" Masses (Id., § 2).

3. When they come from Foundations which can be discharged in the regular manner, they constitute what are called "Foundation" Masses (Id., § 3).

669. *To whom does it belong to fix the amount of the Mass stipend?*

To the Ordinary; and, so far as possible, by synodical decree (Canon 381, § 1).

670. *May a priest demand a higher stipend than that fixed by the Ordinary?*

No! (Canon 381, § 1), unless by special permission of the Ordinary.

671. *May a priest accept a stipend higher than the regular one?*

Yes, if it is spontaneously offered (Canon 832).

672. *May a priest accept a stipend lower than the regular one?*

Yes, unless the Ordinary has forbidden this to be done (Id.).

673. *Who are bound to conform to the diocesan regulations in this matter?*

All the priests who receive stipends in the diocese, the religious included (Canon 831, § 3).

674. *What must a priest do if a person gives him a sum of money "for Masses", without indicating the number to be said?*

Unless he can legitimately presume other intentions, he must calculate the number of Masses to be said by the tariff in force in the place where the giver habitually resides (Canon 830).

675. *Within what space of time must Manual Masses be said?*

We must distinguish:

1. If the giver of the stipends has expressly limited the time,— the priest must abide by that limitation absolutely (Canon 834, § 1).

2. If the giver has not expressly limited the time,— we must again distinguish:

A. Masses asked because of some urgent reason,— must be said as soon as possible, and within the time proper to obtain the end in view (Canon 834, § 2, No. 1).

B. In other cases,— they must be said in a shorter or longer space of time, dependent on the number of the Masses (Id., No. 2). According to the decree *Ut Debita* of the S. C. Conc., May 11, 1904, the time is: one month for one Mass, six months for one hundred Masses, and so on, according to the conscientious judgment of the priests who are saying the Masses (S. C. Conc., Feb. 27, 1905).

3. If the giver of the stipends leaves the matter to the discretion of the priest,— he may say the Masses when he pleases (Canon 834, § 3).

676. *How many Mass stipends may a priest accept to be said by himself personally?*

Only as many as he will be able to say in a year (Canon 835), unless the givers authorize a longer delay (Decree *Ut Debita*).

677. *What must a priest do if he has Masses which are to be said by others?*

He must distribute them as soon as possible (Canon 837).

678. *In this case, what is the date from which the permissible delay is reckoned?*

Unless there is some concession to the contrary on the part of the giver,— it is the day on which the stipends were given to the priest (Canon 837).

679. *To whom may a priest give Mass stipends for fulfillment?*

To priests whom he personally knows to be trustworthy, or who are recommended by their Ordinary (Canon 838).

680. *What is to be done if the devotion of the faithful provides such a number of Mass stipends that they cannot all be satisfied within the regular time?*

The pastor should put up a notice in a public place where the faithful will be sure to see it, informing them that the Masses will be said in their own church, when possible; otherwise, elsewhere (Canon 836.)

681. *When can he who transfers to other priests stipends which he has received from the faithful, feel that he is free from further obligation regarding them?*

Only when he has received assurance that the stipend or stipends have reached the person intended, and that the latter accepts the obligation (Canon 839).

682. *May a priest retain a portion of unusually large stipends, which he has executed by others?*

We must distinguish:

1. In the case of Manual Masses,—No! (Canon 840, § 1), except in three cases:

A. If the person who gives the stipend consents to such a course of action.

B. If it is evident that the stipend has been made unusually large for special personal reasons.

C. If, in the case of marriage or funeral Masses, the amount that is over and above the regular diocesan tariff can be considered as constituting pastoral income (S. C. Conc., May 11, 1888).

2. In the case of Quasi-Manual Masses,—Yes!, except where such a procedure would be contrary to the will of the person who gives the stipend; and provided that the surplus has for its purpose the partial endowment of a benefice or pious institution. It is permitted in such a case to give merely the stipend fixed by the tariff of the diocese where the Mass is celebrated (Canon 840, § 2).

683. *What precautions are prescribed by the Code to safeguard the execution of Mass obligations?*

The keeping of Registers of Mass, in accordance with the following rules:

1. The rectors of churches or chapels where Mass stipends are received, must keep careful record of the number of Mass stipends received, of the intentions, the amount of the offerings, and the days on which the Masses are said; all this in a special register (Canon 843, § 1).

2. The Ordinaries who receive Mass stipends for distribution, must record them in the order of their reception in a special register, and have them satisfied as soon as possible (Canon 844, § 1).

3. All priests in general must keep careful record of all Mass stipends received and fulfilled (Id., § 2).

684. *Whose duty is it to watch over the faithful discharge of Mass obligations?*

It is the duty of the Ordinary, in the case of churches belonging to the diocesan clergy; of the Superior, in the case of churches belonging to religious orders (Canon 842).

685. *What are the means placed at the disposal of the Ordinary to insure the fulfillment of Mass obligations?*

They are chiefly three:

1. An annual obligatory inspection of the Register of Masses kept in the churches (Canon 843, § 2).

2. An obligation placed on those who received Mass offerings, to send them on to the Ordinary if they are not fulfilled within the regular time (Canon 841, § 1). See Question 686.

3. The inflicting of canonical penalties on those who traffic in Mass intentions, who do not celebrate as many Masses as they receive individual stipends, or who do not, when transferring intentions, hand over in their totality the stipends received (Canon 2324).

686. *In the fulfillment of Mass obligations, what delay is permitted before being compelled to forward them to the Ordinary?*

We must distinguish:

1. In the case of Foundation Masses, or Quasi-Manual Masses,—the stipends of unfulfilled obligations must be sent on to the Ordinary at the end of the year in which they were supposed to be satisfied (Canon 841, § § 1-2).

2. In the case of Manual Masses,—unless the givers of the stipends have specified differently, the priest who receives such stipends is allowed a delay of one year from the day of their reception (Canons 841, § 2; 837).

8. MASSES "PRO POPULO"

687. *On whom does the duty devolve of applying the fruit of the Holy Sacrifice for the people on certain days of the year?*

On all those who have received the care of souls: Bishops (Canon 339, § 1); Vicars Capitular, (Canon 440); pastors, (Canon 466, § 1); administrators of vacant parishes, from the date of the death of the titularies (Canon 473, § 1).

688. *On what days must the Mass be applied for the people?*

On Sundays, holydays of obligation, and feasts that were formerly holydays of obligation.

689. *When one of these days falls on a Sunday, is the pastor bound to offer two Masses for the people?*

No! (Canon 339, § 2).

690. *How many Masses is the pastor bound to apply for the people on Christmas Day?*

Only one (Canon 339, § 2). For the two others, he is free, and he may receive stipends for both of them.

691. *Is the pastor who is in charge of several parishes bound to say several Masses for the people?*

No! It is enough that he apply one Mass for the intention of all the faithful under his charge (Canon 466, § 2), even tho he is administrator of several parishes which are vacant thru the death of their titulars (Pont. Com. for the Interp. of the Code, July 12, 1922).

692. *On what day should the Mass pro populo be said?*

1. As a general rule,— it should be said on the feast day or the Sunday itself.

2. However, for a just reason,— the Ordinary may permit the pastor to put off the fulfillment of this duty to some other day (Canon 466, § 3).

693. *Is the pastor bound to say the Mass pro populo himself personally?*

We must distinguish (Canons 466, and 339, § 4):

1. As a general rule,— Yes!

2. In case of some legitimate obstacle,— we must make the further distinction:

A. If he can secure some other priest to say the Mass on the feast day or Sunday itself,— he should have the obligation discharged by that priest.

B. If such a substitute cannot be found,— the pastor himself must discharge the obligation as soon as possible, either personally or by means of someone else.

694. *Where should the Mass pro populo be said?*

1. As a general rule,— in the parish church (Canon 466, § 4).

2. Exceptions to this rule,— are:

A. If particular circumstances make it necessary or expedient,— it may be said elsewhere (Canon 466, § 4).

B. If the pastor is absent for a legitimate reason,— he may, as he sees fit:

(1). either say the Mass *pro populo* in the place where he is;

(2). or have it said by the priest who is taking his place in the home parish.

695. *Is there any reason whatever that can dispense the pastor from the obligation of saying the Mass pro populo?*

None whatever; neither the poverty of the parish revenues, nor any other reason (Canons 466, and 399, § 1), unless by virtue of an apostolic indult.

696. *In case a pastor, by virtue of an apostolic indult, is authorized, on days when regularly the Mass should be said pro populo, to accept a stipend on condition that he turn it over to some specified pious institution, is he obliged to transmit the whole of the stipend?*

We must distinguish (S. C. Consist., Jan. 31, 1880; Nov. 10, 1917);

1. If the stipend is not larger than the regular diocesan tax,— Yes!

2. If the stipend is larger than the regular diocesan tax,— we must make a further distinction:

A. If the surplus was given without any particular motive,— Yes!

B. If it is morally certain that the surplus was given either out of personal regard for the pastor, or out of consideration for the fatigue and discomfort which are connected with the saying of the Mass, and to which he is not bound by his office,— he may keep for himself what is over and above the regular stipend. (An instance of this would be if, on a suppressed feast, he was asked to say a *Missa cantata*).

697. *May the Ordinary, by virtue of an apostolic indult, bind his priests to apply the Mass pro populo from which they are dispensed, to some plenary cause?*

Yes! (S. C. Consilii, May 8, 1920).

698. *What must a pastor do if he has omitted to say the Masses pro populo?*

He must supply these omissions as soon as possible, whatever may have been the cause, ignorance, negligence, etc. (Canons 339, § 6, and 466). Or else he must ask for condonation from the Sovereign Pontiff.

699. *May the Masses pro populo which have been omitted, be supplied by Masses of bination?*

No! (S. C. Consist., March 5, 1887).

9. PARISH SERVICES

700. *How can the faithful fulfill the obligation of hearing Mass on Sundays and holydays of obligation?*

According to Canon 1249:

1. AS TO THE RITE,— by assisting at a Mass said according to any Catholic rite.

2. AS TO THE PLACE,—:

- A. By virtue of the Code,—it may be in the open air, in a church, a public or semi-public oratory, or in a cemetery chapel.
- B. By virtue of apostolic indult only,—it can be in a private oratory.

CHAPTER V

Devotion to the Blessed Sacrament

Points to be considered:

- 1. Reservation of the Blessed Sacrament.
- 2. Exposition and Benediction.
- 3. Forty Hours' Adoration.
- 4. Exercises of devotion.

RESERVATION OF THE BLESSED SACRAMENT

Two questions to be treated:

- 1. Where may the Blessed Sacrament be kept?
- 2. What rules are to be observed in the reservation of the Blessed Sacrament?

1. *Where is the Blessed Sacrament to be kept?*

A. IN COMPLIANCE WITH THE CODE

701. *Under what conditions may the Blessed Sacrament be kept in a church or chapel?*

On condition that a priest take care of it, and say Mass regularly at least once a week in the aforesaid church or chapel (Canon 1265, § 1).

702. *These conditions being realized, where does the General Code make it obligatory to keep the Blessed Sacrament?*

In cathedral, abbatial, parochial, and quasi-parochial churches; and in the churches of exempt religious of both sexes (Canon 1265, § 1 No. 1).

703. *Where does the General Code permit the habitual keeping of the Blessed Sacrament?*

With the permission of the Ordinary of the place,—in collegiate churches, in the principal oratory (public or semi-public) of a seminary, a religious house, a charitable institution, or a college under the direction of either the diocesan clergy or of religious (Canon 1265, § 1, No. 2).

B. BY VIRTUE OF PARTICULAR AUTHORIZATIONS

704. *Where may the Blessed Sacrament be kept?*

1. By virtue of an apostolic indult,—in any church or oratory; and that, habitually (Canon 1265, § 2).

2. By virtue of permission from the Ordinary of the place,—in a non-parochial church, or public oratory, for a just reason; but only for a special occasion (*per modum actus*) (Id).

705. *May one keep the Blessed Sacrament in his private house, or to carry it with him while travelling?*

No! (Canon 1265, § 3).

2. *What rules are to be observed in the reservation of the Blessed Sacrament?*

A. AS TO PLACE

706. *In religious houses, where may the Blessed Sacrament be kept?*

We must distinguish (Com. Pont. for the Int. of the Code, June 2-3, 1918):

1. Regularly,—in the public chapel of the community.

2. Exceptionally,—if the community does not perform their religious exercises in the public chapel, in the principal oratory where these exercises take place.

707. *May the Blessed Sacrament be kept in two or more oratories of the same edifice?*

We must distinguish (Com. Pont. for the Int. of the Code):

1. As a general rule,—No! Every privilege to the contrary has been revoked (Canon 1267).

2. If there are in the same edifice several communities formally distinct from one another,—Yes!

708. *May religious women keep the Blessed Sacrament in the choir, or in the interior of their monastery?*

No! (Canon 1267).

B. AS TO ACCESSIBILITY BY THE FAITHFUL

709. *Under what conditions should churches where the Blessed Sacrament is kept, be accessible to the faithful?*

They must be open to the faithful; especially if they are parochial churches,—for at least several hours each day (Canon 1266).

C. THE ALTAR OF THE BLESSED SACRAMENT

710. *May the Blessed Sacrament be kept on several altars in the same church?*

Habitually,—No! (Canon 1268, § 1).

711. *On what altar should the Blessed Sacrament be kept?*
We must distinguish:

1. In churches (cathedral churches, etc.) where the offices of the choir are performed at the main altar,—it is preferable to keep the Blessed Sacrament habitually in another chapel or at another altar (Canon 1268, § 2).

2. In churches where the offices of the choir are not performed at the main altar (Canon 1268, § 2):—

A. Regularly,—the Blessed Sacrament should be kept at the main altar.

B. It may, however, be kept at another altar which seems to be more convenient or more fitting for the respect and worship due Our Eucharistic Lord.

712. *What is the particular duty of pastors towards the altar of the Blessed Sacrament?*

They must see that it is more richly adorned than the other altars (Canon 1268, § 1).

D. THE TABERNACLE

713. *What rules apply to the tabernacle which contains the Blessed Sacrament?*

It must be (Canon 1269):

1. Irremovable,—and in the middle of the altar (§ 1).

2. Carefully made;—solidly enclosed on all sides;—properly ornamented in accordance with the liturgical laws (white silk or gilded metal) (S. C. Rit., June 20, 1899);—employed for keeping nothing else than the Blessed Sacrament;—and well protected to prevent all danger of profanation (§ 2).

3. Locked with a key. This key must be very carefully kept; the priest who is in charge of the church or oratory is responsible for this (§ 4).

4. Decorated with a veil (Ritual). No contrary custom can dispense from this regulation (S. C. Rit., Aug. 7, 1880; July 1, 1904, etc.). This veil may be of silk or of any other fitting material (S. C. Rit., July 21, 1855), white or of the color of the day (Id.). But it shall never be black; violet or white may be used for funeral services (S. C. Rit., Dec. 1, 1882).

714. *Is it permitted to remove the Blessed Sacrament to a safer place during the night?*

Yes, under the following conditions (Canon 1269, § 3):

1. For a grave reason, approved by the Ordinary.

2. Keeping it upon a corporal.

3. With a lamp kept burning before the place where it is kept.

E. THE CIBORIUM

715. *What rules apply to the ciborium?*

1. It must be of solid and respectable material;— always kept clean;— provided with a close-fitting cover;— and with a veil of white silk, as elaborately decorated as possible (Canon 1270).

2. A sufficient number of consecrated Hosts should be kept in it to provide for the Communions of the faithful and of the sick (Id.). See page 21 for rules for the renewal of the Hosts (Canon 1272).

F. THE LAMP

716. *What rules apply to the lamp of the Blessed Sacrament?*

According to Canon 1271:

1. There must be kept at least one lamp burning continually, night and day, before the tabernacle.

2. It must be replenished regularly with olive oil or beeswax.

717. *May other oils be used instead of olive oil?*

Yes, with the permission of the Ordinary; and these oils must be as far as possible, vegetable oils (Id.).

718. *May an electric bulb be used for the Sanctuary Lamp?*

No!¹ unless by virtue of an indult like that which was granted by a decree of the Sacred Congregation of Rites, Feb. 23, 1915, by reason of the difficulties caused by the war.

NOTE. A decree of the Sacred Congregation of Rites, June 24, 1914, forbids the use of electric light in the sanctuary lamp.

EXPOSITION AND BENEDICTION OF THE BLESSED SACRAMENT

719. *Where may the Blessed Sacrament be exposed?*

In churches and oratories where it is permitted to keep the Blessed Sacrament (Canon 1274, § 1).

720. *When is it permitted to have exposition of the Blessed Sacrament?*

We must distinguish:

1. Private exposition (with the ciborium),— for any just reason, without being compelled to secure the permission of the Ordinary.

2. Public exposition (with the ostensorium):—

A. *De jure*,— on the day and during the octave of Corpus Christi, during Mass or Vespers. (But only in churches

¹ The same decree forbids the use of electric light in addition to the number of wax candles prescribed for the altar. The only purpose for which electric light can be used in the church is for illumination if the Bishop has given permission therefor.

which are authorized to keep the Blessed Sacrament). (Pont. Com. for the Int. of the Code, July 14, 1922).

- B. With the permission of the Ordinary, granted for a just and serious reason, especially for a reason that is public,— at any time.

721. *Is it allowed to say Mass at the altar where the Blessed Sacrament is exposed?*

According to numerous decisions of the Sacred Congregation of Rites (notably that of April 17, 1919), we must distinguish:

1. As a general rule,— apart from the feast of Corpus Christi, from churches where perpetual adoration is held, and from the solemnity of Forty Hours,— No!

2. In special cases (necessity, grave reason, or special indult or concession from the Holy See),— Yes!

722. *May Holy Communion be given at an altar where the Blessed Sacrament is exposed?*

No! (S. C. Rit., April 17, 1919, etc.).

723. *Who have the right to expose the Blessed Sacrament, and put it back in the tabernacle?*

Priests and deacons (Canon 1274, § 2).

724. *Who have the right to give Benediction with the Blessed Sacrament?*

According to Canon 1274, § 2:

1. As a general rule,— only a priest.

2. By exception,— the deacon, when, with the authorization of the Bishop or of the pastor (presumed in case of necessity), he has carried the Viaticum to a sick person.

THE DEVOTION OF THE FORTY HOURS' ADORATION

725. *In what does the devotion of the Forty Hours' Adoration consist?*

It consists in the adoration of the Blessed Sacrament for forty consecutive hours without interruption.

726. *Where should the Forty Hours' Adoration be held?*

It should be held every year, with all possible solemnity, in all parochial churches, and in all others in which the Blessed Sacrament is habitually kept (Canon 1275).

727. *Who has the right to fix the date for Forty Hours' Adoration for each church?*

The Ordinary of the place (Id.).

728. *Is it always necessary to have the exposition of the Blessed Sacrament last forty consecutive hours?*

The Ordinary may, if he considers that it is impossible to give this devotion all the splendor that is its due without serious inconvenience or danger of irreverence:

1. Authorize the interruption of the adoration during the night (Holy Office, Jan. 22, 1914).
2. Simply insist that on certain days there shall be a more than usually solemn adoration of the Blessed Sacrament during at least some consecutive hours (Canon 1275).

EXERCISES OF DEVOTION TO THE BLESSED SACRAMENT

729. *Whose duty is it to simulate such devotion?*

It is the duty of all who have charge of the religious education of the faithful (Canon 1273).

730. *In what direction in particular should their zeal be employed?*

In exhorting the faithful to assist at Holy Mass and to visit the Blessed Sacrament as often as possible, not only on Sundays and holydays of obligation, but on the other days of the week (Canon 1273).

CHAPTER VI

Sacred Seasons (Feastdays, Days of Fast and Abstinence)

Points to consider:

1. General Rules concerning all such days.
2. Special rules for each category.

I. GENERAL RULES FOR ALL SACRED SEASONS

731. *Who has the right to institute such days?*

1. For the universal Church,— The Pope alone (Canon 1244, § 1); and he may also transfer the obligation to other days.
2. For a diocese or a particular locality,— the Ordinary of the place (Canon 1244, § 1); but only for special occasions (*per modum actus*).

732. *Who can dispense from the obligation of observing holydays and days of fast and abstinence?*

1. For the universal Church,— the Pope alone (Canon 1244, § 1), without any restrictions.
2. For a whole diocese or locality,— the Ordinary of the place, under certain conditions (Canon 1245, § 2).
3. For certain individuals,— the Ordinary of the place, and the pastor, under certain conditions (Canon 1245, § 1).

733. *Under what conditions may the Ordinary dispense his whole diocese, or a whole locality, from observing these days of fast and abstinence?*

1. REASONS FOR DISPENSING?—A great concourse of people; or motives of public health (Canon 1245, § 2); and in individual cases.

2. FROM WHAT LAWS?—From the laws of fast and abstinence only (Id.).

734. *Under what conditions may the Ordinary or the pastor dispense individuals from observing these days?*

1. WHAT INDIVIDUALS?—Their own subjects, or families living in their territory. These must be treated individually (*singulos, singulas*); and the dispensation may be conceded anywhere. Also, transients within their territory (Canon 1245, § 1).

2. REASONS?—For a just cause (*justa de causa*) (Id.).

3. FROM WHAT LAWS?—From three laws, the law of holydays, the law of fast, and the law of abstinence (Id.).

735. *How is the day to be calculated for holydays, days of fast, and days of abstinence?*

1. As a general rule,—from midnight to midnight (Canon 1246). However, the indulgences attached to a holyday may be gained from noon of the vigil of the feast.

2. By exception,—on Holy Saturday, the law of fast and abstinence ceases at noon (Canon 1252, § 4).

2. PARTICULAR RULES

A. FOR FEASTDAYS

736. *What are the holydays of obligation for the universal Church?*

All Sundays, Christmas Day, the feasts of the Circumcision, Epiphany, the Ascension, Corpus Christi, the Immaculate Conception, the Assumption, St. Joseph (March 19th), Sts. Peter and Paul, and All Saints (Canon 1247, § 1).

737. *Are we, in the United States, obliged to observe the four new feasts that have been added to the six that are of obligation here?*

No! In places where any of these feasts have been legitimately abolished or transferred, no change must be made without consulting the Holy See (Canon 1247, § 3). The four feasts that have been abolished as holydays of obligation in the United States, are the feasts of the Epiphany, Corpus Christi, St. Joseph, and Sts. Peter and Paul.

738. *What has the Code to say about Patronal feasts?*

According to Canon 1247, § 2:

1. There is no law that makes it compulsory to observe them.

2. The Ordinary of the place may transfer the external solemnity to the following Sunday.

739. *How must the Sundays and the holydays of obligation be observed?*
According to Canon 1248:

1. We must assist at Holy Mass.
2. We must abstain from servile work, and from legal actions.
3. Unless lawful customs or special indult excuses, we are also bound to abstain from all public business, markets, fairs, and all other public buying and selling.

B. FOR DAYS OF FAST AND ABSTINENCE

740. *What is the nature of the laws of fast and abstinence?*

1. THE LAW OF ABSTINENCE (Canon 1250):

A. Forbids,— on certain days, the eating of meat or of broth made from meat.

B. Does not forbid:—

- (1). the taking of eggs, or of milk or milk products.
- (2). the use of fat in seasoning food, even tho it is animal fat.

2. THE LAW OF FAST (Canon 1251):

A. Commands,— that only one full meal shall be taken during the day.

B. Does not forbid:—

- (1). the taking of a little food night and morning, in accordance with the local customs regarding the quantity and the quality of the food taken; (§ 1).
- (2). the eating of meat and fish at the same meal; (§ 2).
- (3). the inverting of the order of the principal meal and the collation, having the principal meal in the evening, and the collation at noon (§ 2).

C. Does forbid,— the eating of meat several times on fastdays, if one is bound by the law of fast (Pont. Com. for the Int. of the Code, Oct. 29, 1919).

741. *Who are subject to these laws of fast and abstinence?*

1. To the law of abstinence,— all who have finished their seventh year (Canon 1254, § 1).

2. The law of fast,— all who have finished their twenty-first year, and have not yet entered upon their sixtieth year (Id., § 2).

742. *On what days do these laws bind?*

1. As a general rule,—

A. Simple abstinence,— on all Fridays (Canon 1252, § 1).

B. Abstinence and fast,— on Ash Wednesday, the Fridays and

Saturdays of Lent, the Ember Days, the vigils of Pentecost, Assumption, All Saints, and Christmas (Id., § 2).

C. Fast only,— the other days of Lent (Id., § 3).

2. By exception,—

A. According to the General Code (Canon 1252, § 4),— these laws cease to bind:

(1). on all Sundays;

(2). on holydays of obligation which do not fall within the Lenten season, and which are not suppressed (Pont. Com. for the Int. of the Code, Feb. 17, 1918);

(3). on vigils which would have to be anticipated in order to permit these laws to bind (vigils which are fastdays and which fall on Sundays; they are celebrated, so far as the Office is concerned, on the preceding Saturday.

B. According to special indults,— as indicated in the Lenten Pastorals.

N.B. These general rules concerning the nature of the laws of fast and abstinence, their subjects, and the days on which they bind, do not modify special indults, nor affect the obligations resulting from the vows, Constitutions, and Rules of particular communities (Canon 1253).

742a. *In those dioceses where the abstinence of the Saturdays of Lent is transferred to Wednesdays, on what days are strangers in the diocese obliged to abstain?*

Due care being taken to avoid all scandal, they may follow their own choice in the matter (S. C. Conc., Feb. 9, 1924).

CHAPTER VII

Devotion to the Saints, Their Relics and Images

(Concerning the Legitimacy and Nature of this Devotion, see Canons 1276 and 1255).

1. FIRST POINT: THE VENERATION OF THE SAINTS

743. *What servants of God may be honored by public devotions?*¹

Only those whom the Church has placed amongst the Saints or the Blessed (Canon 1277, § 1).

744. *What rules apply to the veneration of the Saints?*

¹ According to Canon 1256, *public* worship means that which is offered in the name of the Church, by persons regularly appointed for such functions, and by means of acts instituted by the Church in honor of God, of the saints, and of the Blessed. If any one of these conditions is lacking, the worship is *private*.

We must distinguish:

1. All those who are canonically inscribed in the catalogue of the Saints (Canon 1277, § 2)—:

A. have a right to the cult of *dulia*;

B. can be the recipients of public veneration:

(1). if they are Saints,—everywhere, by means of any of the acts that pertain to the cult of *dulia*;

(2). if they are Blessed,—only in certain places, and by means of certain acts, in accordance with the concession of the Roman Pontiff.

2. Special Saints (the saints of diocese, provinces, confraternities, religious families, etc.)— may laudably be chosen and established as Patrons (Canon 1278):

(1). if they are Saints,—with the approbation of the Apostolic See;

(2). if they are Blessed,—by virtue of a special indult from the Apostolic See.

2. SECOND POINT: THE VENERATION OF IMAGES

745. *What is meant by images of the Saints?*

Statues, pictures, pious images, etc.

746. *When is the veneration of the images of the Saints subject to the control of the Church?*

In two cases (Canon 1279):

1. When they are exposed in churches or other sacred places (even in places which belong to exempt religious).

2. When they are exposed for the public veneration of the faithful.

747. *What are the rules that govern images exposed in churches, etc?*

1. Without the permission of the Ordinary,—no one may place or have placed in churches or other sacred places, an image that is different from the accepted models (*insolita*) (Canon 1279, § 1).

2. The Ordinary must not permit the installation of any image which expresses a false doctrine, or which offends decency and decorum, or which might be to the ignorant the occasion of dangerous error (Id., § 3).

748. *What are the rules that govern images exposed for the public veneration of the faithful?*

1. The Ordinary must not approve images which do not agree with the approved usage of the Church (Canon 1279, § 2).

2. These images must be blessed solemnly by the Ordinary or by a priest delegated by him (Id., § 4).

749. *What are the rules that govern the printing or stamping of pious images?*

1. It is forbidden by the Code to print or stamp images of Our Lord, the Blessed Virgin, the angels, the Saints, or any other servants of God, which are contrary to the mind and the decrees of the Church (Canon 1399, No. 12).

2. Every pious image, whether with or without attached prayers, must be submitted to the censure of ecclesiastical authority (Canon 1365, § 1, No. 3), that is, to the Ordinary of the author, or to the Ordinary of the editor, or to the Ordinary of the printer. But if permission has been refused by one of these Ordinaries, it cannot be asked of any of the others without notifying him of the fact (Id., § 2). In addition to this, religious must secure the authorization of their Major Superior (§ 3).

750. *What is meant by precious images?*

Those which are remarkable because of their antiquity, their artistic character, or the veneration of which they are the object (Canon 1280).

751. *By what special rules are precious images safeguarded?*

1. **THEIR RESTORATION.**— If they are exposed to the veneration of the faithful in churches or public oratories,— they may not be renovated without the written permission of the Ordinary, who, before granting such permission, will consult thereon with prudent and competent persons (Canon 1280). N.B. In many countries, there are in addition special civil laws relating to images which are classed as “historic monuments”.

2. **THEIR ALIENATION OR PERPETUAL TRANSFERENCE FROM ONE CHURCH TO ANOTHER.**— This can be done only by permission from the Holy See (Canon 1281, § 1).

3. THIRD POINT: THE VENERATION OF RELICS

Questions to be considered:

1. The relative importance of relics.
2. The authenticity of relics.
3. The exposition of relics.
4. The alienation of relics.

A. THE RELATIVE IMPORTANCE OF RELICS

752. *What is meant by notable or important (“insignes”) relics?*

The body, the head, the arm, the forearm, the heart, the tongue, the leg, or that portion of the body in which the martyr specially suffered, provided that it is entire, and of a certain magnitude (Canon 1281, § 2).

B. THE AUTHENTICITY OF RELICS

753. *Who has the right to authenticate a relic?*

1. *De jure*,—Cardinals, and Bishops within their own diocese.
2. By virtue of an apostolic indult,—only those ecclesiastics who have received an indult to that effect (Id.).
3. By virtue of a special mandate from the Bishop,—the Vicar General (Id., § 2).

754. *What rules are to be followed as to discussions relative to the authenticity of relics?*

It is forbidden to discuss these questions (especially in sermons, books, journals, and works of piety),—if opposition to their authenticity is based only on mere conjecture, simple probability, or preconceived opinions; and above all, expressions of derision and contempt must be avoided (Canon 1286).

755. *What penalty is imposed by the Church to prevent the veneration of false relics?*

He who fabricates false relics, or knowingly sells them, or exposes them knowingly to public veneration, incurs *ipso facto* an excommunication that is reserved to the Ordinary (Canon 2326).

C. THE VENERATION OF RELICS

756. *Where may relics be kept?*

We must distinguish:

1. Notable or important relics,—in churches or public or semi-public oratories, unless the Ordinary has given express permission to keep them in houses or private oratories (Canon 1282, § 1).
2. Non-notable relics,—may also be kept in private houses with becoming respect; or they may be carried on one's own person thru motives of piety (Canon 1282, § 2).

757. *What are the duties of pastors and other responsible persons with regard to relics?*

They must exercise all possible care to see that relics are not profaned, destroyed thru the carelessness of the faithful, or denied the respect that is due them (Canon 1289, § 2).

758. *What relics may be exposed to public veneration?*

Only those whose authenticity is guaranteed by an official document, as explained above (Canon 1289, § 2).

759. *What is to be done in case the authenticity of a relic is not certain?*

The Ordinary shall prudently take steps to induce the faithful to desist from venerating it (Canon 1284).

760. *What is to be done in case the document of authentication of a relic has been destroyed?*

We must distinguish:

1. As a general rule,—the relic must not be exposed to public veneration as heretofore, until permission has been secured from the Bishop, or from the Vicar General acting by virtue of a special mandate from the Bishop (Canon 1285, § 1).

2. However, if it is a question of ancient relics,—they may be venerated as heretofore, unless, in particular instances, there is certain proof of their falsity (Id., § 2).

761. *What rules are to be followed in the exposition of relics?*

1. They must be enclosed in a sealed reliquary (Canon 1287, § 1).

2. Relics of the True Cross, if exposed to public veneration, must be enclosed in a separate and distinct reliquary (Id., § 2).

762. *What special rules are there for the veneration of relics of the Blessed?*

Unless a special indult has been obtained,—they may not:

1. be carried in procession (Canon 1287, § 3);

2. be exposed in any church except those in which the Holy See has permitted the celebration of their Office and Mass (Id.).

D. THE ALIENATION OF RELICS

763. *May relics be sold?*

This is absolutely forbidden (Canon 1289, § 1).

764. *Whose duty is it to prevent the sale of relics?*

It is the duty of all who have the care of souls, Ordinaries, Deans, Pastors, etc. (Canon 1289, § 1).

765. *On what points in particular must they be vigilant?*

They must prevent relics, especially relics of the True Cross, from being sold or conveyed to non-Catholics at the time of the execution of wills, or of the liquidation of estates (Canon 1289, § 1).

766. *May relics be alienated in some other way than by sale? or may they be transferred forever to some other church?*

In the case of “notable” relics,—this is forbidden, except by special permission from the Holy See (Canon 1281, § 1).

CHAPTER VIII

Liturgy and Sacred Music

1. LITURGY

767. *What respect must be accorded the rules of liturgy?*

1. AS TO THE SACRAMENTS.— In the performance, administration, and reception of the Sacraments, we must carefully observe the rites and ceremonies prescribed by the liturgical books approved by the Church (Canon 133).

2. AS TO HOLY MASS.— The Celebrant must carefully and devoutly observe the rubrics of the Ritual, and refrain from adding, of his own accord, either ceremonies or prayers. Every contrary custom is condemned (Canon 818).

768. *How serious an offense is it to disregard the rules of liturgy?*

1. AS TO THE SACRAMENTS.— The Council of Trent (Session VII, Canon 19), directs an anathema against anyone who maintains, concerning the rites received and approved by the Catholic Church, and employed in the administration of the Sacraments, that it is permitted:

A. to show contempt for them;

B. to omit them at will without sin;

C. to replace them by others, at the pleasure of the pastor.

2. AS TO HOLY MASS.— The Council of Trent (Session VII, Canon 19), directs an anathema against anyone who shall say that the ceremonies, vestments, and external signs used by the Catholic Church in the celebration of Mass, are not a matter of pious obligation.

769. *By what means in particular may pastors give the faithful an understanding of, and a taste for, liturgy?*

The Council of Trent commands pastors and all those who have charge of souls, to explain during the celebration of the Mass, either personally or by others, the meaning of the words of the Mass, and the signification of the mystery of the Holy Sacrifice; this, especially on Sundays and holydays of obligation (Session XXII, Chapter 8).

2. SACRED MUSIC

770. *What are the canonical rules that apply to sacred music?*

According to Canon 1264:

1. It is absolutely forbidden to render in church, music in which the instruments or the voices introduce anything that savors of the obscene or the impure.

2. The rules of liturgy must be observed.
3. If nuns are authorized, in conformity with their Constitutions and the laws of liturgy, and with the permission of the Ordinary of the place, to sing in their own church or public oratory, they must do so in a place where they cannot be seen by the people.

771. *What are the principal liturgical rules that govern sacred music?*

N.B. It is not the place here to develop these rules in detail. Suffice it to say that according to the *Motu Proprio Inter pastoralis officii* of Pius X of November 22, 1903, the following are the most important principles to remember:

1. THE KINDS OF SACRED MUSIC.

- A. Plain Chant. The ancient traditional Gregorian Chant is to be reestablished (No. 3).
- B. Figured Music. The classic Palestrinian polyphony is to be reestablished (No. 4). There may also be a judicious use of modern music; but those compositions must be avoided which contain theatrical motifs, or imitate, even in their external form, the vagaries of profane music (Nos. 5-6).

2. THE LITURGICAL TEXT.

- A. The Language. It is forbidden to sing anything in the vulgar tongue during the solemn liturgical functions (No. 7).
- B. The Texts.
 - (1). It is forbidden, during the liturgical functions, to invert the order of the words; to substitute *ad libitum* other texts for the texts prescribed; to omit texts, unless the rubrics authorize the playing of the organ during certain verses, the verses being simply recited by the choir (No. 8).
 - (2). At solemn Masses, it is permitted— after the Offertory, to render a short motet based on words approved by the Church;— after the Benedictus,¹ to sing a motet to the Blessed Sacrament (No. 8).
 - (3). It is forbidden, in musical selections, to alter the text, to invert the order of the words, to repeat the same words unduly, to so separate the syllables that the text is meaningless to the congregation (No. 9).

¹ This should be sung after the Elevation.

3. THE EXTERNAL FORM OF THE SACRED COMPOSITIONS.

- A. General Rule. — In each part of the Mass and of the Office, its traditional form is to be observed. There is a distinct difference between the concepts of an Introit, a Gloria, a Kyrie, a Psalm, a Hymn, etc. (No. 10).
- B. Particular Application.— The permission to alternate the Gregorian singing of the psalms with false-bourbons; the prohibition of the changing of the traditional form of the hymns (for instance, the singing of the *Tantum Ergo* in such a manner as to represent a romance, and of the *Genitori* in such a manner as to represent an allegro).

4. THE CHANTERS.

- A. The melodies to be rendered by the Celebrant at the altar, and by his ministers, must always be in Gregorian chant, without any organ accompaniment (No. 12).
- B. The singers in churches, even though they are seculars, form the ecclesiastical "choir", and fulfill a true liturgical role.
Hence:

- (1). The music they execute must exhibit, in great part, the characteristics of "choir music" (No. 12).
- (2). Solos, while not necessarily to be excluded entirely, must not predominate in an office (No. 12).
- (3). Women must not, in liturgical offices, be members of the choir or the musical *capella*¹ (No. 13).
- (4). Membership in the *capella musicalis* must be limited to men of known piety and reputation, who must conduct themselves in a devout and modest manner during the offices (No. 14).
- (5). It is proper that the chanters, while singing in the church, should wear the ecclesiastical habit and surplice (No. 14).

¹ Remark that this prohibition, as explained in several decisions of the Sacred Congregation of Rites, applies only to solemn and liturgical functions. And even then, it is not forbidden to have women and young girls sing modestly in the church. What this prohibition aims at particularly is the practice of admitting women to the "choir"

As regards permitting them to take part in musical concerts together with men, this can be tolerated only under certain conditions, and with the authorization of the Ordinary.

According to the spirit of the *Motu Proprio* (No. 13), "if it is desired to have the high-pitched voices of soprani and contralti, use should preferably be made of children's voices in conformity with the ancient usage of the Church".

5. THE ORGAN AND OTHER MUSICAL INSTRUMENTS.

- A. Church music is properly vocal music. Nevertheless, organ accompaniment is permitted (No. 15), provided that it supports without obscuring the chant (No. 16), without long preludes and interludes (No. 17).
- B. The use of other instruments than the organ is subject to special permission from the Ordinary (No. 15).
- C. It is forbidden to use in church: the piano, or instruments of a noisy or frivolous character (trombones, bass drums, cymbals, triangles, etc.) (No. 19).
- D. As to Bands:
 - (1). They are strictly forbidden to play in church. In certain special cases, however, the Ordinary may permit the use of a few judiciously selected wind instruments (No. 20).
 - (2). The Ordinary may permit bands to play in processions outside the church, provided they avoid profane selections (No. 21).

6. THE PURPOSE AND SCOPE OF SACRED MUSIC.

- A. The Principle.— Music enters into the liturgy as a secondary and subordinate thing. The liturgy is not to be subordinated to the music (No. 23).
- B. Hence:
 - (1). It is not permitted to compel the priest at the altar to wait for the singers or the organ to finish (No. 22).
 - (2). The *Gloria* and the *Credo* should be relatively short (No. 22).
 - (3). The *Sanctus* of the Mass should be finished before the time of the Elevation; and the Celebrant should, in turn, at this point make some allowance for the singers (No. 22).

7. THE METHODS TO BE ADOPTED.— The ancient *Scholæ Cantorum* should be reëstablished wherever possible, which is nearly everywhere. This is, in addition, a means for the clergy to keep in touch with the children and the adults of the parish.

CHAPTER IX

Processions

772. *What is meant by processions, in the liturgical sense?*

Solemn supplications made by the people, under the guidance of the clergy, by going in an orderly fashion from a sacred place to a sacred place, to stimulate the piety of the faithful, to remind them of the blessings of God, and to give thanks for those blessings, and to implore the divine assistance (Canon 1290, § 1).

773. *How many kinds of processions are there?*

There are two kinds (Canon 1290, § 2):

1. Ordinary.—These take place every year on certain fixed days, in accordance with the rules of the liturgy or the customs of the place.

2. Extraordinary.—These may be ordered on other days for special public causes.

774. *Who has the right to make regulations concerning processions?*

Only the Ordinary of the place. He has the right:

1. to make regulations for the processions on Corpus Christi, in localities where there are several churches (Canon 1291);

2. to order extraordinary processions, for public reasons, after consultation with his Chapter (Canon 1292);

3. to permit the religious to have processions outside their churches or cloisters (Canon 1293);

4. to authorize in a parish either the establishment of a new procession, or the suppression or transference of an existing procession (Canon 1294, § 1);

5. to rectify abuses, and see that all is carried out with decency modesty, and respect (Canon 1295).

775. *What about Corpus Christi processions in places where there are several churches?*

1. ON THE FEAST ITSELF (Canon 1291, § 1):

A. The General Rule.—There shall be only one procession in the public streets, and that, by the church which is first in rank of dignity.

B. Exceptions (two cases).—

(1). If there exists an immemorial custom to the contrary.

(2). If the circumstances of the place demand the contrary, in the prudent judgment of the Ordinary.

2. DURING THE OCTAVE.—Every parish and every church belonging to regulars, may have its own private procession outside the

church. Where there are several churches, it pertains to the Ordinary to make regulations concerning the days, hours, and routes of the various processions (Canon 1291, § 2).

776. *Who are bound to take part in the processions?*

We must distinguish:

1. At the general procession of Corpus Christi, and at the extraordinary processions ordered by the Ordinary (Canons 1291, § 1, and 1292):—

A. All the clergy of the locality, all the religious communities of men (even the exempt religious), and all the lay confraternities, are *bound* to assist.

B. The religious who live in strict perpetual enclosure, and those who are more than three miles from the city, are *exempt* from the obligation of assisting.

2. At the processions proper to any church,—all the clergy who are attached to that church must assist.

776a. *Is it allowed, in processions, to carry the Blessed Sacrament, or the statue of the Blessed Virgin, or relics of the Saints, in a "triumphal chariot" or in an automobile?*

No! (S. C. Rit., Oct. 28, 1922).

CHAPTER X

Vows and Oaths

Questions to consider:

1. Their Nature.
2. Conditions of Validity and Liceity.
3. Their Kinds.
4. The Extent of the Obligation.
5. The Motives that Affect their Obligatory Character.

1. THE NATURE OF VOWS AND OATHS

777. *What is a vow?*

It is a deliberate, free promise made to God concerning something that is possible and that is better than its contrary (Canon 1307, § 1).

778. *What is an oath?*

It is the invoking of the name of God in witness of the truth (Canon 1316, § 1).

2. CONDITIONS OF VALIDITY AND LICEITY

A. AS TO VOWS

779. *Who can make a valid and licit vow?*

Unless the Canon Law forbids, all who have the use of reason can make valid and licit vows (Canon 1307, § 2).

780. *What of a vow made under the influence of fear?*

If the fear is grave, and unjustly caused,— the vow is by the very fact invalid (Canon 1307, § 3).

B. AS TO OATHS

781. *When is an oath valid?*

When he who makes it has, at the moment, the use of reason.

782. *Is an oath taken by means of an interpreter, valid?*

If it is a question of oaths demanded or admitted by the Canons,— No! (Canon 1316, § 2).

783. *Under what conditions is an oath valid?*

On condition that its object be just and true (Canon 1316, § 1).

784. *What is the value of an oath extorted by violence or grave fear?*

It is valid, but may be dispensed from by the ecclesiastical Superior. (Canon 1317, § 2).

785. *How are oaths to be interpreted?*

Strictly (Canon 1321). That is, in accordance with the terms of the Code; in accordance with the intention of him who takes the oath if he is in good faith; in accordance with the intention of him to whom the oath is given, if he who takes it is in bad faith.

3. KINDS OF OATHS AND VOWS

786. *How many kinds of vows are there?*

They may be classified from different points of view (Canon 1308):

1. AS TO their PUBLICITY.

A. They are public,— if they are received in the name of the Church, by an ecclesiastical superior.

B. They are private,— in all other cases.

2. AS TO their SOLEMNITY.

A. They are solemn,— if they are regarded as such by the Church.

B. They are simple,— in all other cases.

3. AS TO their RESERVATION.

A. They are reserved,— when dispensation from them can be had only from the Sovereign Pontiff.

B. They are non-reserved,— in all other cases.

4. As to their OBJECT.

A. They are personal,—if they promise an action on the part of him who makes the vow.

B. They are real,—if they promise a thing.

C. They are mixed,—when they are at once personal and real.

787. *How many kinds of oaths are there?*

There are three kinds, according as they have for their object:

1. The renunciation of a right.

2. A promise.

3. A judicial testimony.

4. THE BINDING FORCE OF VOWS AND OATHS

788. *On what is the obligation of vows and oaths based?*

On the virtue of religion (Canons 1307, § 1; 1317, § 1).

789. *Who is bound by a vow?*

1. Directly,—he who makes the vow (Canon 1310, § 1).

2. Indirectly,—his heirs, when it is a question of real vows, or of the real part of mixed vows (§ 2).

790. *Who is bound by an oath?*

He who takes the oath (Canon 1317).

5. MOTIVES AFFECTING THE OBLIGATORY NATURE OF VOWS AND OATHS

Vows and Oaths may:

1. Be null and void *ipso jure*.

2. Cease to bind.

A. MOTIVES OF NULLITY

791. *When are vows ipso jure null and void?*

When they are made under the influence of grave and unjust fear (Canon 1307, § 3).

792. *When are oaths ipso jure null and void?*1. All oaths are *ipso jure* null and void when they lead directly to the loss of eternal salvation (Canon 1317, § 3; 1318, § 2).2. A promissory oath is *ipso jure* null and void when the act promised directly entails damage to others, or is directly opposed to the public welfare (Canon 1318, § 2).

B. MOTIVES THAT CAUSE THE OBLIGATION TO CEASE

793. *What are the motives which cause the obligation of vows and oaths to cease?*

Vows and oaths may either:

1. Simply cease to bind.
2. Be annulled.
3. Be suspended.
4. Be the object of a dispensation.
5. Be commuted.

SIMPLE CESSATION

794. *When do vows and oaths simply cease to bind?*

1. In the case of both vows and oaths:—
 - A. When their object is substantially changed (Canons 1311 and 1319, No. 2).
 - B. When the condition or the end which determined them, ceases (Canons 1311 and 1319, No. 2).
2. In the case of vows only: (Canon 1311).— When the time fixed for the cessation of the obligation has expired.
3. In the case of oaths only (Canon 1319):—
 - A. When the obligation is cancelled by him in whose favor the oath was made (No. 1).
 - B. When a change in the circumstances causes the thing promised to become sinful, or entirely indifferent, or an obstacle to a greater good (No. 2).

ANNULMENT

795. *Who has the right to annul vows and promissory oaths?*

He who exercises legitimate power (*potestas dominativa*) over the will of the one who made the vow or the oath, has the right to annul them:

1. Validly,— always!
2. Licitly,— for a just motive.

The obligation does not afterwards revive in any case (Canons 1312, § 1; 1320).

NOTE. According to Canons 88 and 89, parents possess *potestatem dominativam* over their children until their majority (21 years of age).

SUSPENSION

796. *When may the obligation resulting from a vow or a promissory oath be suspended?*

In two cases:

1. When another person exercises legitimate power over the subject of the vow or oath (Canons 1315 and 1320).
2. When the person who made the vow or oath afterwards enters a religious community (Canons 1315 and 1320).

797. *How long can this obligation remain in a state of suspension?*

1. In the first case,— so long as the fulfillment of the vow or oath would do harm to that other person (Canon 1312, § 2).
2. In the second case,— so long as the person remains in the religious life (Canon 1315).

DISPENSATION

798. *Who has the power to dispense from vows and oaths?*

We must distinguish:

1. Vows reserved to the Sovereign Pontiff (Canon 1309):
 - A. All public vows.
 - B. The following two private vows, when they have been taken absolutely, and after the completion of the 18th year of age:
 - (1). The vows of perfect and perpetual chastity.
 - (2). The vow to enter a religious community of solemn vows.¹
2. Oaths reserved to the Sovereign Pontiff:— One case only, namely, the case in which dispensation from an oath would cause damage to persons who do not wish to cancel the obligation (Canon 1320).
3. Non-reserved vows and oaths,— that is, all private vows except the two reserved to the Sovereign Pontiff, and even those two vows in cases where one of the two conditions enumerated above is missing (Canon 1313):—
 - A. The Ordinary of the place can dispense from such vows and oaths, all his subjects, and even travellers within his territory (No. 1).
 - B. The Major Superior of a religious community of exempt clerics, can dispense from such vows and oaths all professed members, novices, and all who dwell as servants or pensioners day and night within the walls of the religious house (No. 2, and 514, § 1).
 - C. Those who have received from the Sovereign Pontiff delegated power for such dispensations (No. 3).

799. *Under what conditions can competent authority dispense from a vow or oath?*

1. The Sovereign Pontiff:—
 - A. Can dispense from vows,— for any just motive.
 - B. Can dispense from a promissory oath with prejudice to a third person,— on condition that such action is required by necessity or the welfare of the Church (Canon 1320).
2. All other persons:—

¹ Remember the effect of these vows with reference to marriage: simple vows (see page 86), solemn vows (see page 90), and the excommunication incurred by those who violate them (page 50, No. 10.)

- A. In general,— There must be a just reason, and the dispensation must not violate any acquired right belonging to others (Canon 1313).
- B. In one special case,— if an oath has been extorted by violence or grave fear, the ecclesiastical superior can dispense from it without any special reason (Canon 1317, § 2).

COMMUTATION

800. *Who can commute vows and promissory oaths?*

1. Vows reserved to the Sovereign Pontiff (see page 184) (Canon 1309),— can be commuted by the Sovereign Pontiff alone.
2. As for promises made by a vow not reserved to the Sovereign Pontiff, or by an oath,— we must distinguish, according as the thing promised is a greater good, an equal good, or a lesser good than the thing for which it is desired to commute it (Canon 1314):
 - A. In the first case,— the commutation may be made by those who possess the power to dispense from non-reserved vows, and on the same conditions (See page 184, Canon 1313).
 - B. In the last two cases,— the commutation may be made by the person who made the promise.

SECTION V

THE RELIGIOUS INSTRUCTION OF THE FAITHFUL¹

Questions to be considered:

1. General Principles.
2. Special rules for each of the forms of Christian instruction.

CHAPTER I

General Principles

801. *To whom is entrusted the office of preaching the Catholic religion?*

To the Pope,— for the universal Church; to the Bishops,— for their own dioceses (Canon 1327, § 1; S. C. Consist., June 28, 1917, No. 1).

802. *What practical consequences flow from this principle?*

1. The Bishops have the right to select their co-workers in the office of preaching,— pastors, and other capable priests (Canon 1327, § 2).

¹ Independently entirely of the Code, the discipline in this matter is set forth: 1. in the Encyclical *Acerbo nimis* of April 15, 1905; 2. in the Encyclical *Humani generis* of June 15, 1917; 3. in the decree of the Sacred Consistorial Congregation of June 28, 1917.

CHAPTER II

Special Rules for the Various Forms of Christian Instruction

803. *What are the various forms of Christian instruction?*

They are four in number:

1. The teaching of the Catechism.
2. Preaching.
3. Missions.
4. Schools.

I. THE TEACHING OF THE CATECHISM

Points to be considered:

- A. General Rules.
- B. Special Practical Regulations.

A. GENERAL RULES

804. *Whose duty is it to watch over the religious instruction of the children by means of catechism?*

1. The teaching of catechism is the proper and very serious duty of pastors, especially of those who have the care of souls (Canon 1329).
2. The obligation of seeing that the children receive instruction in the catechism devolves not only on parents, but also on all those to whom the children are subject (teachers, guardians, etc.) (Canon 1335).

805. *Whose prerogative is it to make rules for a diocese concerning the teaching of catechism?*

It is the right and the duty of the Ordinary of the place; and his rules are binding on all, even on exempt religious when they instruct non-exempt persons (Canon 1316).

805a. *Who are to have the catechism taught to them?*

1. In general,—all the faithful (Canon 1329).
2. Under special forms,—the children (Canons 1330-1331), and adults (Canon 1332).

B. SPECIAL PRACTICAL REGULATIONS

I. AS TO THE CATECHISM OF CHILDREN

806. *What rules govern the teaching of catechism to children?*

1. CANON LAW — points out as the minimum of the pastor's duty (summing up the prescriptions of Pius X in his Encyclical Letter *Acerbo nimis* of April 15, 1905):

- A. Every year, at certain fixed times, he must, by means of instructions given on several successive days, prepare the

children to worthily receive the sacraments of Penance and Confirmation (Canon 1330, No. 1. Encycl. II).

B. He must, especially during Lent, prepare the children with particular care for the reception of their First Communion. (Canon 1330, No. 2). These instructions are to be given each day of Lent, and, if need be, on certain days after Easter (Encycl. III).

C. He must give further, more abundant, and more perfect instructions in the catechism to those children who have made their First Communion (Canon 1331). This is taken to refer to the catechism which is given for a whole hour on Sundays and holy-days of obligation (Encycl. I).

2. DIOCESAN STATUTES AND REGULATIONS.—These give further necessary details concerning the duties of pastors.

807. *By whom should this instruction in catechism be given to the children?*

1. If the pastor is not legitimately impeded,—he should do this himself (Canon 1333, § 1).

2. If the pastor is legitimately impeded,—

A. He should entrust this duty (Canon 1333, § 1):

(1). preferably to clerics,—who live within the territory of his parish.

(2). in case of necessity,—to pious lay people, especially to those who are members of the Congregation of Christian Doctrine, or of some other similar association.¹

B. The priests and other clerics of the parish who are not legitimately impeded, should assist their pastor in the teaching of catechism; and the Ordinary can compel them to do so by canonical penalties (Canon 1333, § 2).

2. AS TO THE CATECHISM OF ADULTS

808. *When should instruction in the catechism be given to adults?*

On Sundays and holy-days of obligation, at an hour that the pastor may select as most convenient for the people; but not at the same time as the catechism for the children (Canon 1332. Encyclical *Acerbo nimis*, VI).

809. *In what form should it be given?*

In simple language, adapted to the intelligence of the hearers (Id.).

¹ Canon 711, § 2, following the example of the Encyclical *Acerbo nimis*, bids Ordinaries to see that there is established in every parish a Confraternity of Christian Doctrine, which will furnish a supply of voluntary catechists.

810. *What method should be followed?*

It should be a systematic exposition, following the Catechism of the Council of Trent, in such a way as to cover, in the space of four or five years, all that relates to the Creed, the Sacraments, the Decalogue, Prayer, and the Commandments (Encycl. VI).

811. *Who may be permitted to take the place of the pastor in this matter?*

See hereafter, in the question on "Preaching", where the different conditions will be indicated in accordance with the class of instruction to be given.

Note, however, that if the Ordinary is of the opinion that the help of religious is necessary for the catechetical instruction of the faithful, Superiors, even exempt, at the request of the Ordinary, are required to give this instruction to the faithful, personally or through their subordinates, at least in their own churches; provided, however, that the regular discipline does not suffer (Canon 1334).

2. PREACHING¹

Points to be considered:

- A. The faculties required for preaching.
- B. Rules to be observed in preaching.

A. FACULTIES REQUIRED FOR PREACHING

I. GENERAL PRINCIPLES

812. *Who can grant faculties for preaching?*

We must distinguish:

1. The faculties for preaching to regular exempt clerics and to those persons who dwell day and night in the monasteries (servants and pensioners), may be granted by the Superior of the Order, in accordance with the Constitutions of the Order, (Canon 1338, §1):

- A. to religious of the same Order,—without any condition;
- B. to religious of another Order,—provided that their own Superior has considered them fit to preach (Canon 1338, § 1), and that he has authorized them to do so (Canon 1139, § 1).

2. The faculties for preaching to all others than exempt religious — can be granted by the Ordinary of the place² (Canon 1337). These faculties may be used:

A. For preaching to the faithful of the diocese,—:

(1). by diocesan clerics,—without any condition;

¹According to the Code, the Encyclical *Humani generis* of June 15, 1917, and the decree of the S. C. Consist. of June 28, 1917, on "Preaching."

²Canon 1339 points out the conditions under which the Ordinary grants or refuses to religious the right to preach, or withdraws it from them if they already possess it.

(2). by religious,—with the authorization of their own Superior (Canon 1339, § 2).

B. For preaching to religious (male or female) other than exempt religious.—For this, however, in addition to the rules laid down in “A”, the preacher must also have the permission of their Superior (Canon 1338, § 2).

C. For preaching to lay religious communities,—even to those which are exempt. For this, in addition to the rules laid down in “A”, the preacher must also have the consent of their Superior (Canon 1338, § 3).

813. *Under what conditions may the Ordinary of the place, or the religious Superior, grant faculties or permission to preach?*

1. Conditions required in the preacher.—Good morals, and sufficient learning (to be ascertained by examination or otherwise). (Canon 1340, § 1. S. C. Consist., June 28, 1917, Nos. 10–17).

2. Hence,—it follows:

A. that the faculties for preaching are withdrawn if the conditions required cease to exist (Canon 1340, § 2), especially if there has been any preaching of erroneous doctrine, or any scandal given (Canons 1347, § 3, and 2317).

B. that if there is any reason for doubt as to the sufficient learning of the preacher, a new examination may be held (Canon 1340, § 2).

814. *To whom can faculties for preaching be granted?*

In accordance with Canon 1342:

1. To priests and deacons only,—without other conditions than the general conditions indicated in the following question (§ 1).

2. To other clerics,—if there be a reasonable motive, of which the Bishop is the judge. This can be granted only in particular cases (§ 1.)

3. To laics (even religious),—in church, never!

2. PRACTICAL APPLICATIONS

a. For Ecclesiastics of the diocese.

b. For Ecclesiastics not of the diocese.

a. FOR ECCLESIASTICS OF THE DIOCESE.

815. *Under what conditions may an ecclesiastic belonging to the diocese, preach within the diocese?*

1. As a general rule,—he must be approved by the Bishop for this ministry of preaching. (S. C. Consist., No. 2).

2. In practice,—the letter of appointment of a pastor gives him faculties for preaching in his parish. (S. C. Consist., No. 3).

N.B. Canon 1343 declares that the Ordinary has the right to preach in any church within his jurisdiction, even though it may be exempt (§ 1); and that he can forbid all preaching in the other churches of the locality, when he has convoked the faithful to listen to a sermon preached by himself, or by someone else in his presence, for a public and extraordinary reason (§ 2).

b. FOR ECCLESIASTICS NOT OF THE DIOCESE.

THE GENERAL RULE

816. *Under what conditions may a priest who does not belong to the diocese, be permitted to preach?*

On condition that he has first obtained the permission of the Ordinary of the place (Canons 1337, and 1341, § 1).

817. *Under what conditions may the Ordinary give permission to preach to a priest who does not belong to the diocese?*

Unless he knows from other sources the fitness of the preacher,— he shall not give such permission until he has received from the Ordinary of the preacher assurance as to his learning, piety, and good morals (Canon 1341, § 1).

818. *Whose duty is it to ask this permission from the Ordinary?*

It is the duty of the pastor of the place, or of him who, *de jure*, performs all the sacred functions in a church or chapel (Canon 1341, §§ 2-3. S. C. Consist., No. 5).

IN PRACTICE

819. *In what manner should the Ordinary be asked for permission to preach for a priest who does not belong to the diocese?*

The name of the preacher should be given to the Ordinary, who alone has the power to give his consent and to grant faculties for preaching (S. C. Consist., No. 6).

820. *When should this request for permission be made?*

It should be made in time, so that the Ordinary may easily secure the necessary information (Canon 1341, § 2. S. C. Consist., No. 7). That is, unless the Bishop decides differently, at least two months before the preaching in question (S. C. Conc., several decisions).

821. *In what form should the permission to preach be given by the Ordinary to a priest who does not belong to the diocese?*

It should be in writing, and should specify the place and the kind of preaching for which this permission is asked (S. C. Consist., No. 9).

822. *What penalty safeguards the observance of this rule?*

Whoever, without first asking for permission, shall have invited a priest to preach,— and similarly, any priest who, knowingly, shall

have accepted an invitation and shall have actually preached under these conditions,— shall be punished by the Ordinary by whatever penalty the latter may see fit to inflict, not excepting even suspension *a divinis* (S. C. Consist., No. 8).

B. RULES TO BE OBSERVED IN PREACHING¹

These rules refer to:

1. The Matter of the Sermon.
2. The Form of the Sermon.
3. The Frequency of the Sermon.

I. THE MATTER OF THE SERMON

823. *What subjects should the sermon treat?*

1. As a general rule,— sacred subjects; especially, what the faithful must believe and do in order to be saved (Canon 1347, § 1; S. C. Consist., No. 20, § 2).

2. If the preacher is to treat subjects which, while not strictly sacred, are yet befitting the house of God,— he should first secure the permission of the Ordinary of the place (S. C. Consist., No. 20, § 2).

824. *What subjects should be avoided in preaching?*

1. Absolutely,— all political subjects (S. C. Consist., No. 20, § 2).
2. Unless the explicit consent of the Ordinary has been secured (and he may, if he chooses, demand that the manuscript be submitted),— all funeral orations (S. C. Consist., No. 21).

2. THE FORM OF THE SERMON

825. *How should the preacher prepare himself for his ministry?*

1. Proximate preparation:— prayer and study (S. C. Consist., No. 19).

2. Remote preparation:— study of the Scriptures, of the Fathers and the Doctors of the Church (S. C. Consist., No. 22).

826. *How should the preacher deliver his sermon?*

1. He should forget himself entirely, in order to preach the doctrine of Christ (Canon 1347, § 2. S. C. Consist., Nos. 24-26).

2. He should adapt his argument and his language to the intelligence of his hearers (S. C. Consist., No. 27).

3. He should manifest, in action and demeanor, the modesty and dignity that befit the ambassador of Christ (S. C. Consist., No. 27).

¹ The S. Consistoriale (Nos. 29-33) indicates a series of measures which the Ordinary can employ to bring back to a proper mode of action those preachers who neglect these prescriptions.

827. *What things are to be avoided in preaching?*

1. Seeking for applause;— hence, the custom which has sprung up in certain places, of using the newspapers or periodicals, either before the delivery of the sermon in order to attract hearers, or after its delivery in order to enhance the reputation of the orator, must be unhesitatingly condemned, no matter what good excuses for the practice may be alleged (S. C. Consist., No. 25).

2. The frequent use of quotations from profane or heterodox authors.— It is also forbidden to quote living persons in the course of the sermon (S. C. Consist., No. 23).

3. Mere declamation which contains no doctrine (Canon 1347, § 2; S. C. Consist., No. 25).

4. The advancement of one's own personal interest; or making the preaching of sermons a trade or livelihood (S. C. Consist., No. 28, § 1).

5. Inconsistency between the preacher's utterances and his conduct (S. C. Consist., No. 28, § 2).

828. *Which are the chief methods of preaching?*

The systematic catechetical instruction, the homily, the familiar instruction, and the sermon.

3. THE FREQUENCY OF THE SERMON

THE GENERAL RULES.

829. *When should preaching be had?*

1. Throughout the year, on all Sundays and holy-days of obligation (Canons 1344 and 1345), under the following conditions:

A. Especially at the Mass at which the attendance is the greatest, it is the duty of the pastor to preach the regular homily (Canon 1344, § 1). Nor can he habitually satisfy this obligation by proxy, unless for a just reason approved by the Bishop (§ 2).

B. At all Masses said in churches or public oratories, at which the faithful are present, it is to be desired that a short explanation of the Gospel or of some point of doctrine be given (Canon 1345). If the Bishop gives orders to this effect, all priests without exception are bound to do this in their respective churches (Id.).

2. During Lent, and also, if it seems expedient, during Advent, the Ordinary should see that sermons are preached more frequently than at other times in cathedral and parochial churches (Canon 1346, § 1).

EXCEPTIONS.

830. *Who can dispense from the obligation of preaching?*

The Ordinary can permit the omission of preaching on certain holy-days, and even, for a just reason, on a certain number of Sundays (Canon 1344, § 3).

3. MISSIONS

831. *What is meant by a Mission?*

A protracted series of instructions given to a parish by an outside preacher. It differs from the course of sermons given on several successive days on the occasion of a feast, from an Octave of the Dead, and from a Triduum of Adoration.

832. *What are the rules concerning the holding of Missions?*

The Ordinary must see that pastors shall provide a Mission for their faithful at least every ten years (Canon 1349, § 1).

833. *Who has the right to make rules concerning Missions?*

The Ordinary of the place (Canon 1349, § 1).

834. *What is the duty of shepherds of souls (Ordinaries and pastors) towards non-Catholics?*

They must consider themselves as charged with the salvation of non-Catholics also (Canon 1350, § 1). Therefore they must labor with all prudence to convert them.

835. *May Catholics enter into disputes or controversies regarding religion with non-Catholics?*

No!, especially not in public, without the permission of the Holy See, or, in case of urgent need, of the Ordinary of the place (Canon 1325, § 3).

4. SCHOOLS

836. *Whose duty is it to see that the children have a Christian education?*

1. It is the right and the most serious duty of parents, and of all those who hold the place of parents (Canon 1372).

2. It is the special duty of pastors (Canon 467, § 1).

837. *What, according to Canon Law, should be the education given in the schools?*

It must include instruction in religion (Canon 1373), subject to the control and supervision of the Church and her ministers (Canons 1381-1382).

838. *What means in particular should be employed to insure the religious education of the children?*

Catholic schools should be established and recommended to the care of the Ordinary and the generosity of the faithful (Canon 1379).

839. *What is the ruling of Canon Law regarding non-Catholic schools?*
According to Canon 1374:

1. In principle, it is forbidden to send Catholic children to non-Catholic schools.
2. In practice,—the Ordinary alone has the right to say under what circumstances, and with what precautions against the danger of perversion, attendance at non-Catholic schools may be tolerated.

SECTION VI—THE CARE OF THE SICK

840. *What is the duty of the pastor towards the sick?*

He must, with all zeal and charity, minister to the sick of his parish, especially to those who are near the end; he must see that they have an opportunity to receive the sacraments, and he must recommend their souls to Almighty God (Canon 468, § 1).

841. *What penalty would be incurred by grave neglect of this important duty?*

Such neglect would be a crime (Canon 2382) which would expose him to canonical procedure provided in Canons 2182–2185.

842. *May a pastor practice medicine and surgery?*

No!, unless by special permission from the Holy See (Canon 139, § 2).

843. *If a cleric, in the practice of medicine or surgery, causes the death of the sick person, what would be the consequences?*

He would *ipso facto* become irregular (Canon 985, No. 6).

844. *In case of urgent necessity, and in the absence of a physician, may a cleric apply the remedies he considers necessary?*

Yes! In such circumstances, he may indicate the more simple and common remedies.

845. *Would he, in such a case, incur the irregularity referred to above, if death ensued?*

No! (The opinion of theologians).

846. *What are the duties of pastors toward the dying?*

1. Pastors must see that they receive Viaticum (See above, pages 35, 36).

2. They must give them the apostolic blessing with plenary indulgence *in articulo mortis*. This faculty is granted to the pastor or to any other priest who ministers to the sick, and this blessing must not be omitted (Canon 468, § 2).

847. *Under what conditions may the apostolic blessing with plenary indulgence in articulo mortis, be given?*

According to the Constitution *Pia Mater* of Benedict XIV of the 5th of April, 1747:

1. **THE RITE.**—It should be given according to the formula inserted in the Ritual and the Breviary.

2. **CONDITIONS.**

A. Contrition.

B. Previous confession and Communion, if possible.

C. Resignation to and acceptance of approaching death as a punishment of sin.

D. Danger of death, even tho that danger is not imminent (S. C. Indulg., Dec. 19, 1885).

3. **FREQUENCY.**—It may not be repeated in the same sickness, no matter how long the illness may last, and no matter whether or not the sick person may have afterwards fallen into mortal sin again (S. C. Indulg., June 20, 1836).

SECTION VII—PIOUS ASSOCIATIONS

1. **General Principles.**

2. **Special Rules for the Various Kinds of Pious Associations.**

CHAPTER I

General Principles

A. Definition of "pious associations".

B. Their dependence on ecclesiastical authority.

C. Their temporal administration.

D. Their spiritual administration.

A. DEFINITION OF "PIOUS ASSOCIATIONS"

848. *What is meant by pious associations?*

Associations distinct from religious Orders or religious Congregations, and erected or at least recommended by the Church for the purpose of either promoting a more perfect Christian life amongst the members, or of fostering works of piety and charity, or of contributing to the solemnity of public worship (Canon 685).

849. *Are such pious associations to be recommended to the faithful?*

Yes! And moreover, the faithful should be dissuaded from joining other associations which are suspicious or which refuse to submit to the legitimate vigilance of the Church (Canon 684).

B. DEPENDENCE ON ECCLESIASTICAL AUTHORITY

Pious associations may be under the control of ecclesiastical authority as regards:

1. Their establishment.
2. The drawing up of their statutes.
3. Their spiritual and temporal administration.

I. SUBORDINATION TO CONTROL AS REGARDS THEIR ESTABLISHMENT

850. *Under what conditions does the Church recognize a pious association?*

On condition that it has been erected, or at least approved, by lawful ecclesiastical authority (Canon 686, § 1).

851. *What practical difference is there between approbation and erection?*

Erection supposes a formal decree on the part of religious authority; this is necessary in order that the association may acquire, in the Church, a legal personality (Canons 687 and 100).

852. *Who has the right to approve or erect pious associations?*

1. For the whole Church,— the Roman Pontiff (Canon 686, § 2).
2. For a diocese,— the Ordinary of the place, unless that right has been reserved to others by apostolic indult (Id.). But this power does not belong either to the Vicar-General (unless by special mandate from the Bishop), or to the Vicar Capitular (Id., § 4).

853. *What is the power of the Ordinary regarding the establishment of pious associations erected, independently of himself, in his diocese?*

We must distinguish:

1. General rule,— their erection is valid only if the Ordinary has consented thereto in writing.

2. Exceptions,— this consent of the Ordinary is not needed for the validity of the erection, in three cases:

A. In the case of associations approved or erected by the Sovereign Pontiff.

B. In the case of associations peculiar to a religious congregation, and erected in one of its houses (or its church), if the Ordinary has previously approved the erection of that house.

C. When the indult which grants the privilege of erecting the associations, gives a dispensation from the necessity of asking the approbation of the Ordinary.

2. SUBORDINATION TO CONTROL AS REGARDS THEIR STATUTES

854. *What sort of name may be given to a pious association?*

All names should be avoided which smack of frivolity or unbecoming novelty, or which express a devotion not approved by the Holy See (Canon 688).

855. *Who has the right to examine and approve the statutes of associations?*

The Sovereign Pontiff, or the Ordinary of the place (Canon 689, § 1).

856. *When once approved, are the statutes of an association independent of ecclesiastical authority?*

No! If they have not been confirmed by the Sovereign Pontiff himself, the Ordinary may always regulate or correct them (Canon 689, § 2).

3. SUBORDINATION TO CONTROL AS REGARDS TEMPORAL AND SPIRITUAL ADMINISTRATION

857. *In what respects does the administration of pious associations depend on ecclesiastical authority?*

1. General Principles:—

A. All associations, unless by special privilege, are subject to the jurisdiction and vigilance of the Ordinary, who has the right and the duty to visit them (Canon 690, § 1).

B. However, in the case of associations which have been established by an apostolic privilege by exempt religious in their own churches, the Ordinary, in his visitations, cannot exercise any control over their spiritual discipline (Id., § 2).

2. Practical Applications:¹—

A. Temporal Administration:—

(1). The possession and administration of temporal goods; — an annual report must be made to the Ordinary (Canon 691, § 1). This right of control does not belong to the pastor, unless by the decision of the Bishop.

(2). Collections:—

a. The consent of the Ordinary must previously be secured, and his decisions obeyed (Id., § 3).

b. To collect funds outside the territory of the place where the association is situated, written permission must be secured from each Ordinary (§ 4).

c. An exact report must be made to the Ordinary of the place, of all offerings and collections (§ 5).

¹ A general preliminary condition in order that an association may accomplish the acts mentioned further on, is that it is authorized by its statutes to perform them.

- (3). The Right of Inscription;— an association may not make a charge for the registration of its members, unless its approved statutes specify this, or unless the Ordinary of the place, because of particular circumstances, has given special permission to do this, out of consideration for the association (Canon 395).

B. Spiritual Administration:—

(1). Expulsion of members:—

- a. As a general rule,— any one who has been regularly enrolled in an association, cannot be dropped without a just reason in harmony with the tenor of the statutes of the association (Canon 696, § 1).
 - b. In all cases, however,— the Bishop may expel members of an association (Canon 696, § 3).
 - c. When an association has expelled one of its members who has become a public sinner,— the member may appeal to the Bishop (Canon 696, § 2).
- (2). Nomination of Superiors and Chaplains;— Unless there is a contrary apostolic privilege specially granted, the Ordinary of the place has the right (Canon 698, § 2):
- a. to select them himself, except for associations erected by the religious in their own churches;
 - b. to give or to refuse his consent to a selection made from amongst the diocesan clergy by religious superiors, for associations erected by them in their own churches.
- (3). Suppression of Associations.— Except for associations erected by the Holy See itself, the Ordinary may, for serious reasons (but according the right of appeal to Rome), suppress all the associations established in his territory (Canon 69).

C. TEMPORAL ADMINISTRATION OF PIOUS ASSOCIATIONS

Every association canonically erected can, subject to the direction of the Ordinary (as specified above):

1. Possess and administer temporal goods (Canon 691, § 1).
2. Accept offerings, and consecrate them, in accordance with the intention of the donors, to the pious use of the association (§ 2).
3. Take up collections, if the statutes permit it, or necessity demands it (§ 3).

D. SPIRITUAL ADMINISTRATION OF PIOUS ASSOCIATIONS

ENROLLMENT

858. *Under what conditions may one enjoy the advantages of an association?*

It is necessary (and it is enough) that one has been validly admitted to membership in the association according to the terms of the statutes, and that one has not afterwards been expelled (Canons 692 and 694, § 1).

859. *When the statutes of an association prescribe the sending of the names of new members to the central office of the association, is this at all times necessary in order that the members may enjoy the benefits of the association?*

We must distinguish:

1. In the case of associations simply approved, if the sending of the names has been omitted thru negligence or any other cause, those who have been received into the association by a priest endowed with real faculties, may in spite of this enjoy the indulgences and other spiritual favors of the association (S. Off., April 23, 1914).

2. In the case of associations erected into a moral personality, the inscription of the names is necessary for validity (Canon 694, § 2).

860. *Can he who has ordinary power to inscribe others in an association, inscribe himself?*

Yes! (S. C. Indulg., July 16, 1887).

861. *What conditions are required for enrollment in a pious association?*

1. The candidate must not be a public sinner, a non-Catholic, a member of a condemned sect, or notoriously under censure, etc. (Canon 693, § 1).

2. He must be present at the time of the enrollment (Id., § 3).

3. He must know what is being done, and give his consent thereto (Id., § 4).

862. *May one be enrolled in several associations at the same time?*

Yes! (Canon 693, § 2). Except in the case of Third Orders! (Canon 705).

863. *May religious be enrolled in pious associations?*

We must distinguish:

1. In Third Orders,— No! (Canon 704).

2. In associations other than Third Orders,— Yes!, excepting those whose laws, in the judgment of Superiors, are irreconcilable with the observance of the Rule and Constitutions.

EXPULSION

864. *When may a member of an association be expelled?*

Only for a just cause, in accordance with the statutes (Canon 696, § 1).

865. *When should the officials take action to expel a member?*

Warning should first be given, when the member becomes a public sinner (Canon 696, § 2). See above, page 198 (Canon 693, § 1).

ACTIVITIES

Meetings, special rules, election of officers (See Canon 697). All in accordance with the Common Law (Canons 161-162), under the control of the Bishop (Canon 715).

DIRECTORS AND CHAPLAINS

1. Their Nomination:— (Canon 698, § 1). See above, page 198.
2. Their Powers:— (Canon 698, § 2):
 - A. To bless and impose the habit, the insignia, the scapulars, etc., of the association.
 - B. To preach, with the authorization of the Ordinary, and (when circumstances demand it) of the Superior of the religious Order (Canons 1337, 1342). See above, page 189.
3. Their Recall.— They may be removed by those who appointed them, or by the successors or superiors of these persons (Canon 698, § 3).

CHAPTER II

Special Rules for Various Kinds of Pious Associations

866. *What are the kinds of pious associations recognized by the Church?*

They are, in the order of precedence¹ (Canons 700 and 701, § 1):

1. The secular Third Orders.
2. The Archconfraternities and Confraternities.
3. The pious Primary Unions, and others.

¹ The Code (Canon 106) gives explicit rules concerning precedence; but there is no occasion for repeating them here. Let us merely say that in processions of the Blessed Sacrament, the Confraternity of the Blessed Sacrament has precedence even over Archconfraternities (Canon 701, § 2); and that the members of an association have the right of precedence only when they assist at a ceremony in a body, with their cross or banner, and wearing their habit or insignia (Canon 701, § 3).

A. THE SECULAR THIRD ORDERS

867. *What is meant by Secular Tertiaries?*

Those who, living in the world, strive to attain Christian perfection under the direction of a religious Order and in accord with the spirit of the Order, by a life that is compatible with their State (Canon 702, § 1).

868. *Who has the right to establish Third Orders?*

We must distinguish:

1. The creation of a Third Order,— can be effected by the Sovereign Pontiff alone (Canon 703, § 1).

2. Aggregation into a Third Order,— can be effected by the Superior of the Order on which the Third Order depends:

A. Aggregation of private persons,— without any condition.

B. The establishment of a Confraternity,— with the permission of the Bishop, in accordance with the distinctions laid down in Canon 686, § 3. See page 196.

869. *What are the rules that govern aggregation into a Third Order?*

Independently of the general rules that apply to all pious associations (see page 196):

1. Regarding religious:

A. Whoever takes vows in a religious order or congregation, cannot be a member of a Third Order, even if he had joined it previously (Canon 704, § 1).

B. If, however, he is released from his vows, and returns to the world, his former membership revives (§ 2).

2. Regarding Tertiaries:

A. Without an apostolic indult, one may not be enrolled in more than one Third Order at the same time (Canon 705).

B. Every Tertiary may, for a just reason, transfer from one Third Order or Confraternity to another.

870. *What are the regulations that govern the Third Orders?*

1. The Garb.— No religious Superior can grant the members of his Third Order the public use of a special garb, without the permission of the Ordinary (Canon 703, § 3). And unless special permission has been granted, for just reasons, by the Superiors of the Third Order, it is not allowed to substitute a medal for the habit of the Third Order (S. C. Relig., Mar. 20, 1922).

2. The Ceremonies.— The Tertiaries *may*, without being bound to do so, assist in a body at processions, funerals, and other sacred functions. But if they do assist in a body, it should be with their own insignia, and behind their own cross (Canon 706).

B. CONFRATERNITIES AND PIOUS UNIONS

871. *What pious associations are included in this category?*

According to Canon 707:

1. Those which have in view the exercise of a work of piety or charity. They are societies or pious unions according as they are or are not constituted into organic bodies.

2. Those which have as their purpose to enhance the growth and dignity of public worship. These are confraternities.

872. *Under what conditions may these pious associations be established?*

According to Canon 708:

1. For pious unions or societies,— it is enough to have the simple approbation of the Ordinary, by virtue of which, without being moral persons, they may nevertheless obtain spiritual graces.

2. For confraternities,— a formal decree of erection is necessary.

873. *Who can be admitted to membership in these pious associations?*

Any one who fulfills the general conditions (Canon 693). See page 199. Women, however, may be admitted to membership in confraternities solely for the purpose of gaining the indulgences and other spiritual graces (Canon 709, § 2).

874. *What sort of titles may be given these pious associations?*

They may be taken from the attributes of God, from the mysteries of the Christian religion, from the feasts of Our Lord, of the Blessed Virgin, or of the Saints, or from the pious purpose for which they are established (Canon 710).

875. *Under what conditions may these pious associations be established?*

1. As to locality,—:

A. Except in large cities, where, in the judgment of the Ordinary, there is sufficient distance between them, it is not permitted, except by special concessions, to establish in the same locality several confraternities or pious unions having the same title and the same purpose (Canon 711, § 1).

B. However, the Ordinaries should see that in every parish there shall be established the Confraternity of the Blessed Sacrament and the Confraternity of Christian Doctrine. As soon as these Confraternities are legitimately erected, they are *de jure* aggregated to the Archconfraternities of the same name erected in Rome (Id., § 2).

2. As to the class of churches,—:

A. They may not be erected except in churches, or public or semi-public oratories (Canon 712, § 1).

B. For their establishment in cathedral or collegiate churches, the consent of the Chapter is necessary (§ 2).

C. In the churches or oratories of religious men, associations of women must not be erected, nor pious unions which have any other purpose than prayer and participation in spiritual favors (§ 3).

876. *What are the rules regarding the wearing of the habit or insignia of confraternities?*

1. Confraternities erected by religious within their own churches, cannot wear their habits or insignia in processions or other sacred functions, without the permission of the Ordinary (Canon 713, § 2).

2. A confraternity cannot abandon or change its habit or insignia without the permission of the Ordinary (Canon 714).

3. Unless the Ordinary rules otherwise, confraternities are bound to assist in a body, wearing their insignia and carrying their cross, at the regular processions, or at processions ordered by the Ordinary (Canon 718).

877. *Under what conditions may confraternities hold their conventions?*

They must be presided over by the Ordinary or his delegate (Canon 715, § 1). Hence the obligation of notifying the Ordinary well in advance of extraordinary meetings; otherwise, the Ordinary could forbid such meetings, or annul their decisions (§ 2).

878. *To what degree do pious unions and confraternities depend on the Ordinary?*

Apart from the points laid down in the preceding questions, the Ordinary has the right:

1. to confirm the officers elected by the confraternities, and to remove those who are unworthy or incapable (Canon 715, § 1);

2. to correct and approve their statutes and other regulations, except in the case of confraternities approved by the Holy See (Id.);

3. to give permission for the transference of pious unions and confraternities, unless their transference has been forbidden by the Holy See (Canon 719, § 1). If, however, they are reserved to a religious Order, the consent of the Superior is required for their transference (§ 2).

879. *Under what conditions may confraternities and pious unions celebrate their own Office?*

We must distinguish:

1. If they have their own church, or if a parish is erected in a church belonging to a confraternity (provided that they do not thus

in any way interfere with the conduct of the parish), they may independently of the pastor, perform non-parochial functions (Canon 716, §§ 1-2). In case of doubt, the Ordinary has the right to lay down the rules to be followed (§ 3).

2. If they are erected in a church that is not their own, they may perform the sacred functions only in the chapel or at that altar which has been assigned to them (Canon 717, § 1).

880. *How should the patrimony of the confraternities or pious associations be administered?*

It should be kept separate from the funds of the building, church or community to which these pious associations are annexed (Canon 717, § 2).

C. ARCHCONFRATERNITIES AND PRIMARY UNIONS

881. *What is meant by archconfraternities and primary unions?*

They are confraternities or pious unions which have the right to aggregate to themselves other pious associations of the same kind (Canon 720).

882. *Under what conditions may an association aggregate others to itself?*

1. It must be by virtue of an apostolic indult (Canon 721, § 1).

2. The associations to be aggregated must have the same title and the same purpose (unless an apostolic indult be given to the contrary) (Canon 721, § 2).

3. The association to be aggregated must be already canonically erected, and must not be previously aggregated to another archconfraternity or primary union (Canon 723, No. 1).

4. The Ordinary must give his consent in writing, together with testimonial letters (Id., No. 2).

5. The spiritual privileges conferred by the aggregation must be enunciated in an authentic list by the Ordinary of the place of the archconfraternity or primary union, and forwarded to the associations aggregated (Id., No. 3).

6. The aggregation must be performed according to the formula inscribed in the statutes (Id., No. 4).

7. The aggregation is to be perpetual (Id.).

8. The letters of aggregation must be absolutely gratuitous, except for the necessary expenses. Even voluntary offerings are forbidden (Id., No. 5).

¹ The Apostolic See can also grant this honorary title, without the right of aggregation, to any pious association (Canon 725).

883. *What advantages are derived from aggregation to an archconfraternity or primary union?*

The association aggregated enjoys, unless there be an apostolic restriction, all the privileges, indulgences, and other spiritual graces which have been or shall ever be granted directly and *nominatim* to the primary association (Canon 722, § 1).

884. *Does the aggregation give to the primary association any rights over the association aggregated?*

No! (Canon 722, § 2).

SECTION VIII—ECCLESIASTICAL BURIAL

Questions to consider:

1. Certain Principles.
2. Cemeteries.
3. Funerals.
4. Choice of Place of Burial.
5. Concession or Refusal of Ecclesiastical Burial.
6. Funeral Fees.

CHAPTER I

Certain Principles

885. *What is meant by ecclesiastical burial?*

The carrying of the body of a dead person to the church, the holding of funeral services over it, and the interring of it in a place regularly set apart for the burial of the faithful (Canon 1204).

886. *What treatment is to be accorded the mortal remains of the faithful?*

They must be buried. Cremation is forbidden (Canon 1203, § 1).

887. *What heed is to be given to last wills which request cremation?*

None at all! (Canon 1203, § 2).

1. It is not allowed to fulfill such requests.

2. If such a clause is attached to a will or to any other document, it is to be considered as non-existent.

888. *Is it allowed to give ecclesiastical burial to a person who has requested that his body be cremated?*

No! (Canon 1240, No. 5).

CHAPTER II

Cemeteries

889. *Where are the faithful to be buried?*

As a general rule,—in cemeteries that have been blessed (Canon 1205, § 2).

890. *Is it allowed to inter bodies within the church edifice?*

No!, except in the case of Bishops, Abbots, the Pope, royal personage or Cardinals (Canon 1205, § 2). And even in such cases, the body must be placed at a distance of at least three feet from the altar (Canon 1202, § 2).

891. *Is it allowed to bury the faithful in the crypt of a church?*

No!, if the crypt is really a church devoted to divine worship (Pontifical Commission for the Interpretation of the Code, Oct. 16, 1919, No. 14).

892. *Under what conditions should a cemetery be blessed?*

Where the Church cannot have her own cemeteries (as she has the right to do), (Canon 1206, § 1), the cemeteries which belong to the civil authorities:

1. May and ought to be blessed (Canon 1206, § 3):—

A. if the majority of those buried in them are Catholics;

B. if, tho in the minority, the Catholics have a special portion set apart for them.

2. Must not be blessed,—if either of the two conditions enumerated above is not realized. In such a case (and only in such a case) each grave is to be blessed on the occasion of each interment (Canon 1206, § 3).

893. *What control has the Church over cemeteries?*

The Church can lay them under interdict, the same as churches (Canon 1207). See page 136, Note, and page 145.

894. *Where, according to Canon Law, should cemeteries be had?*

1. Each parish should have its own cemetery, unless the Ordinary has given permission for several parishes to have one cemetery in common (Canon 1208, § 1).

2. Exempt religious may, by virtue of the Canon Law, have their own special cemetery (Id., § 2).

3. Moral persons, and private families, may also, with the permission of the Ordinary, have, outside the common cemetery, their own tomb or mausoleum, blessed in the same manner as a cemetery.

895. *What is the ruling of Canon Law regarding personally-owned lots in cemeteries?*

1. By special written permission from the Ordinary, the faithful may construct special tombs or mausoleums in cemeteries, and they

1 They can also be violated and reconciled, like churches (Canon 1206).

may likewise sell or convey them to other persons (Canon 1209, § 1).

2. Wherever it is possible, special sections should be reserved for priests and other clerics (Id., § 2). Special sections should also be reserved for infants (Id., § 3).

3. Besides the blessed cemetery, there should be, wherever possible, another cemetery, well enclosed, for those who are denied ecclesiastical burial (Canon 1212).

896. *What does the Code prescribe concerning the care of cemeteries?*

They should be entirely enclosed, and well kept (Canon 1210).

897. *What does the Code prescribe concerning funeral monuments?*

That there shall be nothing in the way of epitaphs, laudatory inscriptions, or ornamentation, that is an offense to religion and piety (Canon 1211).

898. *How soon should the body of a dead person be buried?*

1. The general principle:—After a sufficient time has elapsed (relatively longer in cases of sudden death), to remove all doubt as to the reality of the death (Canon 1213).

2. Practical rules:—In ordinary cases, after 24 hours have elapsed; in cases of sudden death, after 48 hours; and in cases of contagious disease, sooner!

899. *Under what conditions may the bodies of the dead be exhumed?*

For this it is necessary to have the permission of the Ordinary (Canon 1214, § 1). This permission is not to be granted if it is impossible to distinguish the body of the dead person from other bodies (§ 2).

CHAPTER III

Funerals

Points to be considered:

1. The transport of the body to the church.
2. The funeral services at the church.
3. The transport of the body to the place of burial.

A. THE TRANSPORT OF THE BODY TO THE CHURCH

1. TO WHICH CHURCH?

THE COMMON LAW

900. *To which church should the body of the deceased be taken?*

De jure ordinario, it is to be taken to the church which was the parish church of the deceased, unless he legitimately specified some other church for his funeral¹ (Canon 1216, § 1).

¹ We shall see, in § 5, the rules to follow regarding the choice of the place of burial by the deceased person.

901. *What is to be done in case the deceased belonged to several parishes at the same time?*

His funeral is then to be held in the church of the parish within which he died (Canon 1216, § 2).

902. *What is to be done in case he died within the limits of some other parish?*

We must distinguish (Canon 1218, § 1):

1. If the body can conveniently be brought on foot to that parish of the deceased which is nearest the place of his death, the funeral is to be held there.

2. If this cannot be done conveniently, the funeral should be held in the church of the place where he died.¹

903. *Who has the right to judge as to the convenience or inconvenience of transferring the body?*

1. Within his own territory, the Ordinary, while making due allowance for particular circumstances, has the right to make rules concerning the distance and other reasons which can make such transference inconvenient (Canon 1216, § 2).

2. If the parish to which the deceased belonged, and the parish where he died, belong to different dioceses, the ruling of the Ordinary of the diocese where he died is to be followed (Id.).

904. *What is to be done if, even after the decision of the Ordinary, doubt exists as to the convenience or inconvenience of transferring the body?*

In such cases, the rights of the parish to which he belonged must prevail (Canon 1217).

905. *When it is not convenient to transfer a body to the parish to which the deceased belonged, may the pastor of that parish demand that the family, or the pastor of the place where the death occurred, pay him the "pars parochialis"?*

No! (Canon 1236, end). Nevertheless, this ruling of the General Law of the Church does not in any way invalidate existing particular laws (See further on, page 215).

CERTAIN PARTICULAR CASES

N.B. Canon 1219 treats of the funerals of Cardinals and Bishops. There is no need of considering such details here.

906. *In which church is the funeral to be held:*

1. *of professed religious?*

In a church or chapel of their Order (Canon 1221, § 1).

2. *of religious novices?*

¹ In a case where it is not convenient to transport the body of the deceased to his own parish, the family is free to transport it thither at their own expense (Canon 1218, § 3).

They may select the church of their funeral. If they fail to do this, then:

- A. If they die in their own religious house, the funeral should be held there (Canon 1221, § 1).
- B. If they die outside their religious house, and it is not convenient to bring the body to a house of their Order, their funeral should be held in the church of the parish where they died (Id., § 2).

3. *of the servants of religious?*

According to Canon 1221, § 3:

- A. If they die in the monastery, their funeral should be held in the church of the monastery.
- B. If they die outside the monastery, their funeral should be decided according to the Common Law. See page 207.

4. *of nuns and their novices?*

We must distinguish (Canon 1230, § 5):

- A. Of nuns (*moniales*):— We must further distinguish, according to whether or not they die in their own convent.
 - (1). If so,— the funeral is to be held in their own church.
 - (2). If not,— then it is to be located in accordance with the Common Law.

- B. Of religious women other than nuns (*moniales*).— Their funeral is to be located in accordance with the Common Law.

5. *of those who die in a religious house where they were living as guests or patients or students?*

Their funeral is to be located in accordance with the Common Law, unless there is some special right of privilege to be considered (Canon 1223).

6. *of those who die in a hospital?*

In accordance with the Common Law (Canon 1223).

7. *of those who die in a seminary?*

In the church belonging to the seminary, unless the Holy See decides otherwise (Canons 1222 and 1368).

2. WHO IS TO CONDUCT THE BODY?

THE COMMON LAW

907. *Who has the right to conduct the body to the church?*

It is, except in case of grave necessity, the right and the duty of the pastor of the deceased (Canon 1230, § 1).

908. *Who should conduct the body of one who dies outside his own parish?*

We must distinguish:

1. If the body can conveniently be transferred to its own parish, it is the duty and the right of the pastor of the deceased to conduct the body to the church, merely giving notice to the pastor of the place where the death occurred (Canon 1230, § 2).

2. If the body cannot conveniently be transferred to its own parish, then it is the right of the pastor of the place where the death occurred, to conduct it to the church for burial.

SPECIAL CASES

909. *Who has the right to conduct the bodies:*

1. *of religious and their novices?*

Their Superiors, in every case (Canon 1221, § 1).

2. *of servants of religious?*

We must distinguish, according as the funeral is or is not to be held in the chapel of the religious house (Canon 1221, § 3):

A. If so,— the Superior of the house.

B. If not,— the pastor (Common Law, page 209).

3. *of nuns with solemn vows (moniales), and of their novices?*

We must distinguish (Canon 1230, § 5):

A. If they die in their convent,— their chaplain.

B. If they die outside their convent,— the pastor of the place (Common Law, page 209).

4. *of religious women other than moniales?*

In accordance with the Common Law; the pastor of the place.

5. *of those who die in a seminary or other house exempt from the jurisdiction of the pastor?*

The Superior or his delegate (Canons 1222 and 1368).

6. *of those whose bodies are brought to a place where the deceased did not belong to the parish, and where the deceased did not legitimately choose the church for his burial?*

According to Canon 1230, § 7:

A. The clergy of the cathedral-church of the place.

B. If there is no cathedral-church,— the clergy of the church of the parish in which the cemetery is located (Unless there is a different custom existing, or the statutes of the diocese specify to the contrary).

7. *of those who, subject to the jurisdiction of a certain pastor, choose for their funeral (see further on) a church which is exempt from his jurisdiction?*

The pastor of the deceased, with the cross of the church where the funeral is to be held (Canon 1230, §§ 3-4).

910. *May the family of the deceased invite others than the clergy of the parish to take part in the funeral?*

1. The family cannot prevent the priest whose right it is, from conducting the body to the church, performing the funeral services, and conducting the body to the cemetery (See pages 209 and 212).

2. As regards other priests whom they wish to invite to the funeral (Canon 1233, § 1):

A. The parish clergy should first be invited.

B. Other priests not belonging to the parish, members of religious Orders, and religious societies, may also be invited; and the pastor must not interpose any obstacle, except for a just and serious reason approved by the Ordinary.

911. *How should they who, at the request of the family, attend the funeral, conduct themselves towards the pastor?*

They must comply with his wishes concerning the conduct of the funeral services, due respect being paid to the rights of precedence of all present (Canon 1234, § 3).

912. *May all societies, of whatever nature, be permitted to take part in the funeral?*

It is forbidden to permit societies or insignia hostile to the Catholic religion, to be present at Catholic funerals (Canon 1233, § 2).

913. *What part may the clergy take in funerals?*

The clergy are never permitted to carry the body of a lay person, no matter what his rank or dignity (Canon 1233, § 4).

3. PASSAGE THRU OTHER PARISHES

914. *Under what conditions may the priest who has the right to conduct the body to the church, pass thru the territory of another parish or another diocese, to reach the church where the funeral is to be held?*

He may do this, without let or hindrance, with stole and cross, even without the permission of the pastor and the Ordinary of the territory thru which he must pass (Canon 1232, § 1).

B. THE FUNERAL SERVICES AT THE CHURCH

915. *Is the bringing of the body to the church compulsory?*
Yes!, unless some serious reason prevents (Canon 1215).

916. *Is the fear of displeasing the faithful or the clergy, a sufficient reason to omit bringing the body to the church?*

No! (Pont. Com. for the Int. of the Code, Oct. 16, 1919, No. 15).

917. *Who has the right to celebrate the funeral services at the church?*

1. The general rule:—He who has jurisdiction over the church where the funeral is held (Canon 1230, § 1).

2. Special cases:—When the deceased has chosen for his funeral a church other than his parish church. We must then distinguish:

A. If the pastor of the place has no jurisdiction over that church, — then the rector of the church is to conduct the funeral services.

B. If the pastor of the place has jurisdiction over that church, — we must make a further distinction, according as the deceased was or was not his parishioner:

(1). If he was, — then the pastor is to conduct the funeral services.

(2). If he was not, — the rector of the church has the right to conduct the funeral services.

C. THE CONDUCT OF THE BODY TO THE CEMETERY

918. *To which cemetery should the body of the deceased be taken?*

1. The general rule:—To the cemetery of the church in which the funeral was held (Canon 1531, § 3).

2. Exceptions:—

A. According to the expressed wish of the deceased, or of the family (Canon 1218, § 3; 1229, § 3).

B. If no such wish has been expressed, the body should be taken to the burial place of the family, if it can be conveniently taken thither on foot (Canon 1229, § 1). In the case of a married woman, her body should be taken to the burial place of her last husband (§ 2).

919. *Who has the right to conduct the body to the cemetery?*

Unless in case of grave necessity, — it is the right and the duty of the priest who performed the funeral services at the church, or of his delegate (Canon 1231, § 1).

920. *What is to be done if, in order to reach the cemetery, it is necessary to pass thru another parish?*

We must distinguish, according as it is or is not convenient to carry the body thither (Canon 1232):

1. If it is, — then the same as for conducting it to the church (§ 1, page 209).

2. If it is not, — then the rector or pastor of the church where the funeral was held has not the right to conduct the body beyond the limits of his own parish (§ 2).

921. *Is it permitted, at funerals, to preach funeral sermons?*

No!, unless by special permission from the Ordinary, who can, if he sees fit, demand that the manuscript of the sermon shall first be submitted to him for inspection (S. C. Consist., June 28, 1917, No. 27).

922. *What should be done after the burial?*

The pastor should inscribe in the *Registrum Defunctorum* the name and age of the deceased, the names of his parents, the name of his wife (or husband, as the case may be), the date of his death, the sacraments he received, the name of the priest who administered them, the place and date of the burial (Canon 1238).

CHAPTER IV

The Choice of the Place of Burial

923. *What does this choice include?*

The choice of the church where the funeral is to be held, and of the place where the body is to be buried (Canon 1223, § 1).

924. *Who has the right to make this choice?*

As a general rule,—:

1. All those to whom the Code does not refuse it (Canon 1223, § 1).
2. Even married women, and children who have reached the age of puberty, independently of the authority of husband or father (§ 2).

925. *To whom does the Code refuse this right of choice?*

1. To children who have not yet reached the age of puberty. Their parents or guardians, however, may make a choice for them, even after their death (Canon 1223, § 1).
2. To professed religious, except to such as are Bishops (§ 2).

926. *May a sick man commission another person to make this choice?*

Yes! and this commission may be fulfilled even after the death of the sick person (Canon 1226, § 2).

927. *What church may a sick man select for his funeral?*

Any church where funeral services can be held (a parish church, the church of a religious Order, etc.) (Canon 1225).

928. *May one choose a nuns' chapel for his funeral?*

No!, unless it be question of the funeral of one who lived habitually within the convent as servant, student, or guest (Canon 1225).

929. *How does the Code safeguard the freedom of choice of the church where the funeral is to be held, and of the cemetery where the body is to be buried?*

The religious and the diocesan clergy alike are strictly forbidden to attempt to influence anyone in any manner whatsoever to induce him to be buried from their church or in their cemetery. If such a

thing were to be done, then the choice made would be null and void (Canon 1227).

930. *Under what conditions may one be buried in a cemetery other than the cemetery of one's own parish?*

On condition that there is no opposition on the part of those who are in control of the cemetery (Canon 1228).

931. *If no choice has been expressed, should the deceased always be buried in the cemetery of his own parish?*

Not necessarily. For if in some other cemetery there is a tomb of his ancestors or of his consort, the body should be taken thither if it can easily be done (Canon 1229, § 1).

CHAPTER V

The Concession or Refusal of Ecclesiastical Burial

932. *Who are to be admitted to ecclesiastical burial?*

According to Canon 1239:

1. All baptized persons who are not explicitly banned by the Code (§ 3).

2. Catechumens who, without any fault of theirs, die without baptism (§ 2).

933. *Who are to be refused ecclesiastical burial?*

1. All those who are not baptized (Canon 1239, § 1).

2. All "unworthy" baptized persons, if they have not, before dying, given evidence of repentance (Canon 1240, § 1). For instance:

A. Apostates, notorious heretics or schismatics, and those who have notoriously joined the Masonic order or any similar order.

B. Those who are excommunicated or interdicted *nominatim*.

C. Those who voluntarily commit suicide.

D. Duellists who die during the conflict, or from a wound received therein.

E. Those who ask to have their bodies cremated.

F. Other manifest public sinners.¹

934. *What is to be done where there is doubt as to whether or not ecclesiastical burial should be refused?*

¹ That is to say:

1. Those who die without having given any sign of repentance, after having lived in the notorious habit of mortal sin;

2. Those who die in the very act of committing a deed that is grievously sinful;

3. All those who, during their last illness, obstinately and in the presence of witnesses refused the sacraments.

According to Canon 1240, § 2:

1. If there is time,—consult the Ordinary.
2. If the doubt still persists,—grant ecclesiastical burial, but take care to avoid all scandal.

935. *May church services be performed for one who was refused ecclesiastical burial?*

No! For such persons no services may be held, not even an anniversary service, or any other public funeral service (Canon 1241).

936. *Where, as a general rule, are they to be buried who are refused ecclesiastical burial?*

In a cemetery that is distinct from the cemetery blessed for the faithful (Canon 1212).

CHAPTER VI

Funeral Fees

937. *Who has the right to fix the rates for funerals?*

The Ordinary of the place, after consultation with the Chapter of the cathedral, and, if he sees fit, with the Deans (*vicarii forani*), and with the pastors of the episcopal city (Canon 1234, § 1).

938. *When several grades of funerals are enumerated in the diocesan schedule of rates, who has the right to say which one shall be held?*

The family of the deceased (Canon 1234, § 2).

939. *On the occasion of a burial or funeral service, is it allowed to charge more than the diocesan rate?*

No! This is strictly forbidden (Canon 1235, § 1), under penalty of being subject to a money fine, suspension *ab officio*, and restitution of what was thus unjustly exacted (Canon 2408).

940. *How is the "parochial portion" to be determined?*

It is to be determined exclusively from the emoluments prescribed for the conduct of the body to the church and for the holding of the funeral services, in accordance with the diocesan schedule (Canon 1237, § 1), and according to the quota stated in that schedule (§ 3).

941. *What should the "parochial portion" be when the parish church of the deceased and the church where the funeral was held belong to different dioceses?*

It should be reckoned by the schedule in force in the diocese where the funeral services were held (Canon 1237, § 3).

942. *If the first solemn funeral service does not take place at the time of the burial, but later on, in an alien parish, may the pastor of the deceased still demand the "parochial portion"?*

Yes!, provided that this first funeral service takes place within a month after the burial (Canon 1237, § 2).

943. *How are the poor to be buried?*

Decently and entirely without charge, with funeral services as stipulated by the liturgy and the statutes of the diocese (Canon 1235, § 2).

944. *When the funeral of a parishioner takes place elsewhere than in the parish church, has the pastor a right to the "parochial portion"?*

We must distinguish:

1. If the body could not conveniently be taken to the parish church,—the pastor has no right to anything (§ 1).
2. If, however, the body could conveniently be taken to the parish church,—we must make a further distinction:
 - A. If the deceased belonged to only one parish,—the pastor has a right to all of the "parochial portion" (§ 1).
 - B. If the deceased belonged to several parishes, to which the body could conveniently have been taken,—the various pastors are to divide the "parochial portion" amongst them (§ 2).

SECTION IX—COLLECTIONS

There are five categories:

1. Collections by Religious.
2. Collections by Oriental Priests.
3. Collections by Pious Associations.
4. Parish Collections.
5. Private Collections.

CHAPTER I

Collections by Religious

1. Collections by Mendicant Religious.
2. Collections by non-Mendicant Religious.

1. COLLECTIONS BY MENDICANT RELIGIOUS

945. *What is meant by Mendicant Religious?*

Those whose institute bears that designation, and who live on alms (Canon 621, § 1).

946. *Under what conditions can mendicant religious take up collections?*

1. In dioceses where they have a religious house,—with the permission of their Superiors (Id.).

2. In dioceses where they have no religious house,—they must have, in addition, the written permission of the Ordinary (Id.).

947. *To what extent are Ordinaries bound to grant this permission?*

Ordinaries, especially those of nearby dioceses, except in serious and urgent cases, should not refuse nor revoke such permission, when the collections in the diocese of the foundation are not sufficient for the maintenance of the religious house (Id., § 2).

N. B. Canons 623 and 624 contain practical rules laid down for religious collectors.

2. COLLECTIONS BY NON-MENDICANT RELIGIOUS

948. *Under what conditions may non-mendicant religious take up collections?*

We must distinguish:

1. Those who are *de jure pontificali*,—must have (Canon 622, § 1):

A. a special privilege from the Holy See;

B. written permission from the Ordinary of the place (unless thru dispensation from the Holy See).

2. Those who are *de jure diocesano*,—must have the written permission of the Ordinary of the place where their house is, and also of the Ordinary of the place where they wish to take up collections (Id., § 2).

949. *To what extent should Ordinaries grant such permission?*

As little as possible, especially if there is in the diocese a house of mendicant religious. That is to say (Canon 622, § 3):

1. They are to grant it when the house of the pious work of the religious is in need which cannot be relieved in any other way.

2. They are to grant it only for such extent of territory as may be strictly necessary for the collection (locality, county, or diocese).

CHAPTER II

Collections by Oriental Priests

950. *Under what conditions may an Ordinary give permission to a representative of another rite, to take up collections in his diocese, or to send one of his subordinates to collect?*

In both cases,—no matter what may be the Order or dignity of the collector, it is necessary to have an authentic and recent re-script from the Sacred Congregation for the Oriental Churches (Canon 622, § 4).

CHAPTER III

Collections by Pious Associations

According to Canon 691:

1. Their statutes must permit such collections, or necessity must exist to justify them.
2. They must have the permission of the Ordinary of the place, (in writing, when it is a question of outside dioceses), (§ 4); and they must observe the prescribed forms (Id.).
3. They must furnish the Ordinary with a report of the results of the collection (§ 5).

CHAPTER IV

Parish Collections

These are subject to the ruling of the Ordinary of the diocese.

CHAPTER V

Private Collections

951. *What rules govern private collections?*

Private collections made by clerics or by the faithful in favor of a pious or ecclesiastical work or institute, are forbidden without a twofold written permission (Canon 1503):

1. From the Holy See, or from the Ordinary of the collectors.
2. From the Ordinary of the place where the collection is being made.

SECTION X

ECCLESIASTICAL PROPERTY

Questions to be considered:

1. Definition of Ecclesiastical Property.
2. Acquisition of Ecclesiastical Property.
3. Administration of Ecclesiastical Property.
4. Various Classes of Contracts.
5. Foundations.

CHAPTER I

Definition of Ecclesiastical Property¹

952. *What is meant by ecclesiastical property?*

All temporal goods, whether substantial (movable, and immovable) or insubstantial, which belong not only to the universal Church or to the Holy See, but also to all moral and physical persons which enjoy a legal existence in the Church (Canons 1497, § 1 and 1498); that is to say, dioceses, parishes, hospitals, religious communities, etc. (Canons 99 et seqq.).

CHAPTER II

The Acquisition of Ecclesiastical Property

Two points to be considered:

1. General Principles.
2. Special Rules.

I. GENERAL PRINCIPLES

953. *How is ecclesiastical property acquired?*

1. As a general rule,—by all just means of natural or positive law (Canon 1499, § 1).
2. In particular,—
 - A. By prescription² (Canons 1508 and 1512).
 - B. By gifts, either from the living, or from legacies from the dead (Canons 1513–1517).

¹ Canons 1494–1496 affirm the right of the Church to possess temporal goods, to administer them, etc.

² The study of these two questions does not enter into the plan of this Guide—prescription, because of its rarity; the rôle of the Ordinary, because it directly concerns only himself.

954. *To whom does ecclesiastical property belong?*

To the moral person who has lawfully acquired it,—under the supreme authority of the Apostolic See (Canon 1499, § 2), and under the immediate authority of the Ordinaries¹ (Canons 1513–1517).

2. SPECIAL RULES CONCERNING GIFTS

A. AS REGARDS THE GIVER

955. *Who has the right to give his property for pious purposes, either during his life, or after his death?*

Every man, according to natural and ecclesiastical law, can freely dispose of what is his (Canon 1513, § 1).

956. *Are these gifts valid and binding, if they lack the legal formalities?*

1. In general, — Yes!, even if they are expressed only verbally, provided that the consent of the giver is truly and freely manifested.

2. In particular, — in the case of legacies (Canon 1513, § 2):

A. Testators are urged to comply with the requirements of the civil law.

B. If these solemnities have been omitted, — the heirs are to be notified of their duty to carry out the wishes of the testator.

B. AS REGARDS THE FULFILLMENT OF THE WISHES OF THE GIVER

957. *How should these intentions be executed?*

1. As a general rule, — as strictly as possible.

2. By exception, — if a clause of a gift or legacy is contrary to the rights of the Ordinary in administering the property, this clause is to be considered as non-existent (Canon 1515, § 3).

958. *Whose duty is it to carry out the wishes of the pious giver?*

1. As a general rule, — it is the right and the duty of the Ordinary (Canon 1515, § 1).

2. Practical consequences —:

A. It is the right and the duty of the Ordinary to see to the execution of these intentions, even, if necessary, by means of a canonical visitation (Canon 1515, § 2).

B. All delegated executors must give a report to the Ordinary of the fulfillment of their office (Id.).

C. If a cleric or a religious receives goods in trust for a pious work (either from a living person, or through a legacy):

¹ See Note 2, page 219.

- (1). He must notify the Ordinary¹ concerning it, and inform him as to the nature of the gift and the obligations attached thereto (Canon 1516, § 1).
- (2). The Ordinary, in turn, must:
 - a. require that the gift be safely invested (Canon 1516, § 1);
 - b. see that the pious intentions are executed (Id.);
 - c. strive, even by threat of censure, to bring back to their duty those who neglect to fulfill the pious obligations attached to gifts, legacies, or trusts (Canon 2348).

C. AS REGARDS THE REDUCTION OR MODIFICATION OF OBLIGATIONS

959. *When may the obligations imposed by the just will of a benefactor, be reduced or modified?*

Only when such action is necessary for a just reason (Canon 1517, § 1).

960. *Who has the right to effect such a reduction or commutation?*

1. As a general rule,— this right belongs to the Holy See (Canon 1517, § 2).

2. By exception,— the Ordinary has the right to effect such reduction or commutation in two cases, namely:

A. When the founder has explicitly conceded this power to the Ordinary of the place (Canon 1517, § 1).

B. If the execution of the obligations becomes impossible, because of the diminution of the revenues, or because of any other reason that does not imply fault on the part of the administrator of the property, the Ordinary can equitably commute the obligations, in accordance with the following rules (Canon 1517, § 2):

- (1). He must first give a hearing to all parties interested.
- (2). He must consult, as far as possible, the wishes of the founder.
- (3). He can never reduce the number of Masses (this is always the exclusive prerogative of the Holy See), unless the document of foundation explicitly provides for such reduction (Pont. Com. for the Int. of the Code, July 14, 1922).

¹ If the donator expressly and absolutely forbids them to have recourse to the Ordinary, they should refuse the gift (Id.).

Who is the Ordinary, when the faithful of the gift is a religious? It is the Ordinary of the place where are the churches, the faithful, or the good works which are the object of the donation. If there is no designation of place at all, it is the Ordinary proper to the religious (Canon 1516, § 3).

CHAPTER III

Administration of Ecclesiastical Property

961. *Who has the right to administer ecclesiastical property?*

1. For the whole Church,— the Sovereign Pontiff (Canon 1518).
2. In the diocese,— the Ordinary of the place, for all the property that is not legitimately withdrawn from his jurisdiction (Canons 1518–1520). It is not necessary here to reproduce the prescriptions that provide for a board of administration.

2. In a parish,—

- A. As to the property which is to provide for the maintenance of the church and the carrying on of divine worship,— the pastor (Canon 1182).
- B. As to other property,— a board of administration appointed by the Ordinary (for three years, unless local circumstances make other arrangements necessary) (Canon 1521, §§ 1–2)

962. *What are the duties of the administrators of ecclesiastical property?*

1. Before entering upon their office,—(Canon 1522):

- A. They must take an oath to discharge their duty faithfully— this must be taken before the Ordinary or the Dean (§ 1).
- B. They must draw up a list of all the property whose administration they are undertaking, with a description and appraisal of each parcel; or, they must accept an already existing list, specifying all subsequent losses or additions. A copy of this list must be kept in the parish archives; another copy must be sent to the Diocesan Chancery; and note must be made on both these lists of all subsequent changes in the condition of the property (§ 3).

2. During the term of their administration,—

A. They must fulfill their duty like devoted fathers of a family (Canon 1523); that is,—

- (1). They must see that the property under their care suffers no damage or destruction.
- (2). They must observe all the canonical and legal prescriptions, as well as the legitimate clauses imposed by the founder or donator.
- (3). They must promptly collect the revenues of the church, deposit them in a safe place, and spend them according to the wishes of the founder, or according to the rules laid down by authority.
- (4). They must use the surplus, with the consent of the Ordinary, for the best interests of the church.

- (5). They must keep an exact account of all receipts and expenditures.
- (6). They must keep in good order the documents and papers on which the rights of the church are based, storing them in a proper and fitting safe. If possible, an authentic copy should be deposited in the archives of the Diocesan Chancery.
- B. They must play the part of the Christian employer to all the employees of the church (Canon 1525):
 - (1). paying them a fair and honest wage;
 - (2). seeing that they practice their religion;
 - (3). not causing them to neglect their families, or to fall into spendthrift ways;
 - (4). not imposing tasks on them that are beyond their strength, or incompatible with their age or sex.
- C. They must give an annual report to the Ordinary of their administration. No custom can ever dispense them from this obligation (Canon 1525).
- D. They shall never begin a lawsuit in the name of the church without the written permission of the Ordinary, or, in case of urgent need, of the Dean, who shall notify the Ordinary as soon as possible (Canon 1526).
- E. They shall not do anything that exceeds the limits of their ordinary functions, without the written permission of the Ordinary. This, under penalty of invalidity (Canon 1527).
- F. They shall not resign the office of administrator which they have freely accepted, if such resignation will work damage to the church. If they do this, they are bound to restitution (Canon 1528).

CHAPTER IV

Contracts Relating to Ecclesiastical Property

The chief contracts of this nature are the following:

- 1. Alienation.
- 2. Donations.
- 3. Loans.
- 4. Pawning.
- 5. Mortgaging.
- 6. Borrowing.
- 7. Exchange.
- 8. Renting.

I. ALIENATION OF ECCLESIASTICAL PROPERTY

963. *Who has the right to authorize the alienation of ecclesiastical property?*

We must distinguish:

1. The Holy See alone —:

A. For "extraordinary" relics, precious images, relics and images that are in a church and are accorded great veneration by the people (Canon 1281).

B. For precious things, and for everything whose value is in excess of 30,000 francs (in the neighborhood of \$6,000), under penalty of non-reserved excommunication of all those who, in this matter, are guilty of having failed to secure the proper authorization¹ (Canon 2347, No. 3). See page 58.

2. The Ordinary of the place,—: We must here make a further distinction:

A. If it is a question of something which does not exceed 1,000 francs in value (in the neighborhood of \$200),— after consulting the board of administration (unless it is a matter of little importance), and with the consent of those interested in the matter (Canon 1532, § 2).

B. If it is a question of things which are worth more than 1,000 francs (\$200), and less than 30,000 (\$6,000),— with the consent of the Chapter, the board of administration, and those interested (Canon 1534, § 3).

N. B. If it is a question of alienating a thing that is divisible,— statement must be made, in the petition for permission, of what has already been alienated. This, under pain of nullity (Canon 1532, §4).

964. *Is it allowed to alienate the votive offerings made to an altar or pious image?*

No!, not even if the donator consents. The consent of the Holy See is always required for this. And moreover, every gift made to an altar or pious image is to be held as votive, unless the contrary intention of the giver is quite evident (S. C. Conc., Jan. 14, 1922).

965. *Under what conditions may the alienation of ecclesiastical property be authorized?*²

1. Before the act of alienation (Canon 1530),—:

¹ This excommunication affects the administrators of ecclesiastical property, who neglect to ask for the authorizations required by the Code. It is different from the excommunication which affects the usurpers of such property, or those who rent such usurped property (Canons 2345 and 2342, § 2; S. Penit., Aug. 5, 1907; see page 50, Nos. 8 and 11.)

² The same conditions are obligatory in every contract which might prove detrimental to the Church (Canon 1533).

- A. There must be a written appraisal made by competent and trustworthy experts (No increase in the price must be made because of the consecration or blessing which an object possesses) (Canon 1539, § 1).
- B. There must be a just reason, such as urgent necessity, the evident utility of the church, piety, etc.
- C. Permission must be secured from the lawful superior, under pain of nullity (See preceding question).
- D. The special precautions enjoined by the superior must be observed, lest the church suffer damage.
2. The act of alienation (Canon 1531),—:
 - A. The property must not be sold lower than the appraised price.
 - B. The sale must be by public auction, or at least it must be publicly announced, unless circumstances demand that another course of action be followed. And the thing sold, other things being equal, must go to the highest bidder.
 - C. The property must not be sold to the administrators of the property, or to their relatives (*consanguines* or *affines*) in the 1st or 2d degree (Canon 1450).
 - D. The result of the sale must be prudently, safely, and profitably invested for the benefit of the church.

966. *What recourse is available against an unjust alienation?*

According to Canon 1534:

1. What sort of action?—:
 - A. Personal,— against the person who accomplished the alienation, or against his heirs.
 - B. Real,— if the alienation is invalid, against any possessor, the right of the buyer against the seller not being invalidated (§ 1).
2. By whom?—: By him who accomplished the alienation, or by his superior; by the successor of the one or the other; or by any cleric attached to the church that suffered loss thereby (§ 2).

2. DONATIONS OF ECCLESIASTICAL PROPERTY

1. The Making of Donations of Ecclesiastical Property.
2. The Receiving of Donations of Ecclesiastical Property.

A. DONATIONS OF PROPERTY BELONGING TO THE CHURCH

967. *What rules are to be followed in making donations of property belonging to the Church?*

Prelates and rectors of a church can make donations of movable property belonging to their church, in two cases only:

1. Gifts of trifling value, according to the customs of the locality.
2. For a just reason,—such as reward, piety, or charity.

968. *What of donations other than these two cases?*

They can be revoked by the successors of the donator (Canon 1535).

B. DONATIONS RECEIVED BY THE CHURCH

969. *To whom does a donation belong, which is made to the rector of a church?*

Unless there is proof to the contrary, it is presumed to be made to the church (Canon 1536, § 1).

970. *Is the rector of a church permitted to refuse a donation that is offered to him?*

No!, unless he has the permission of the Ordinary (Canon 1536, § 2). Every unlawful refusal of this kind renders him liable to an action in restitution or in indemnity for the loss occasioned to the church (§ 3).

971. *Can a donator revoke a donation made to a church, on the ground that the prelate or rector does not please him?*

No!, if it has once been lawfully accepted by the church (Canon 1536, § 4).

3. THE LOANING OF ECCLESIASTICAL PROPERTY

972. *What rule applies to the loaning of sacred things?*

They must not be loaned for any use which is repugnant to their nature (Canon 1537).

4. THE PAWNING, MORTGAGING, OR BORROWING OF ECCLESIASTICAL PROPERTY

973. *Under what conditions can these things be done?*

The conditions are the same as for alienation (see page 224):

1. A hearing must be given to all persons interested.
2. Care must be taken that the debt is paid as soon as possible.
3. The annuities must be fixed for the payment of the debt.

5. THE EXCHANGE OF NOTES PAYABLE TO BEARER, FOR OTHER SECURITIES

974. *Under what conditions may notes payable to bearer, which belong to a moral ecclesiastical person, be exchanged for other securities?*

According to Canon 1539, § 1:

1. It is necessary to secure the consent of the Ordinary, of the board of administration, and of all those interested.

2. The new securities must be at least as safe and as profitable as the old.
3. The exchange must be free from all taint of barter or speculation.

6. THE RENTING OF ECCLESIASTICAL PROPERTY

975. *Who has the right to authorize the renting of ecclesiastical property?*

We must distinguish (Canon 1541, § 2):

1. The approbation of the Sovereign Pontiff is necessary,—if property worth more than 30,000 francs (\$6,000) is to be rented for more than nine years.

2. The approbation of the Ordinary is necessary, together with the consent of the Chapter, of the board of administration, and of the parties interested,—in two cases:

- A. If property worth more than 30,000 francs (\$6,000) is to be rented for less than nine years.

- B. If property worth from 1,000 to 30,000 francs (\$200 to \$6,000) is to be rented for more than nine years.

3. The approbation of the Ordinary is necessary, together with the advice of the board of administration, and the consent of the parties interested,—:

- A. If a thing worth between 1,000 and 30,000 francs (between \$200 and \$6,000) is to be rented for less than nine years.

- B. If property worth less than 1,000 francs (\$200) is to be rented for more than nine years.

4. The lawful administrators—may rent a property on condition that they notify the Ordinary of their action, if property worth less than 1,000 francs (\$200) is to be rented for less than nine years.

976. *What rules apply to leases of ecclesiastical property?*

1. In general,—:

- A. Such property should be rented at public auction, or at least it should be rented publicly (unless circumstances make other arrangements necessary); and it should be rented to the highest bidder (Canon 1541, § 1).

- B. The following conditions should be explicitly specified:—the boundaries are to be observed, the land is to be well tilled, the rent is to be paid regularly. Due legal precautions are to be taken that these conditions may be fulfilled.

2. Special rules,—for long-term leases (Canon 1542).

CHAPTER V

Pious Foundations

977. What is meant by Pious Foundations?

Property given to a moral ecclesiastical person on condition that the annual revenue therefrom shall be used, in perpetuity or for a specified time, to have Masses said, or to perform certain works of charity or piety (Canon 1544, § 1).

978. What is the binding force of foundations?

They are synallagmatic contracts, which bind in justice (Canon 1544, § 2).

979. Who has the right to make rules concerning foundations?

The Ordinary of the place. It is his office to:

1. Fix the value of the property or securities necessary for the establishment of a foundation (Canon 1545).

2. Regulate the distribution of the revenues of the foundation (Id.).

3. Give written permission to the moral ecclesiastical person to accept the foundation, after having satisfied himself that the moral ecclesiastical person can satisfy this new obligation together with its old obligations, and that the revenues of the foundation will meet the imposed charges in accordance with the customs of the diocese (Canon 1546, § 1).

4. Designate the safe place where the moneys or movable properties given for the endowment of the foundation, shall be immediately deposited (Canon 1547).

5. Invest as soon as possible the moneys given, or derived from the sale of the movable properties, after consultation with the board of administration of the diocese, and with the persons interested, for the benefit of the foundation and with special and explicit mention of the obligations attached (Id.).

980. What measures are prescribed by the Code to safeguard the execution of foundations?

1. They must all be put in writing, and in duplicate. One copy shall be kept in the archives of the Chancery of the diocese, and the other kept by the moral person which has accepted the foundation (Canon 1548).

2. In each church there shall be a list of the founded obligations; and this list shall be carefully preserved by the pastor (Canon 1549, § 1).

3. Besides the Register of Manual Masses, the pastor shall keep another book in which he will inscribe all the perpetual or temporary

obligations that come to him. He will note in this book the honoraria received, and the date of their discharge, so as to be able to give an exact account of them to the Ordinary (Canon 1549, § 2).

981. *When do the obligations resulting from a foundation contract, cease?*

When the property has perished, or the revenue can no longer be had; unless in these cases the administrators are to blame.¹ (Natural law; responses of the Roman Congregations).

982. *Who has the right to reduce or modify the obligations of foundations?*

We must distinguish:

1. If the text of the document of foundation has explicitly provided for such reduction,— then procedure is to be in accordance with that clause (Canon 1551, § 1).

2. In other cases,—

A. The reduction of the number of founded Masses is always, except by indult (see below), reserved to the Holy See (Canon 1517).

B. As to the reduction of other obligations,—

(1). As a general rule,— it is reserved to the Holy See (Canons 1551, § 1; 1517).

(2). When the complete fulfillment of all the obligations is impossible, on account of the diminution of income, or for any other reason which does not imply fault on the part of the administrators,— the Ordinary can diminish these obligations in a fair and just measure, respecting as far as possible the wishes of the founder (Canons 1551, § 2; 1517, § 2).

983. *How are indults to be interpreted with reference to the reduction of founded obligations?*

1. The indult which permits the reduction of the number of founded Masses,— does not extend to other Masses, nor to other founded good works (Canon 1551, § 2).

2. The general indult to reduce founded obligations,— must be understood, unless the contrary is quite evident, in the sense that the other obligations are to be reduced rather than the number of Masses (Id., § 3).

¹ Remark that by virtue of Canon 829 (see page 155) the Code does not admit that the obligation of saying the manual Masses can cease for this cause.

SECTION X—PARISH DOCUMENTS

There are two kinds:

1. Religious Records.
2. Financial Records.

1. RELIGIOUS RECORDS

984. *What parish records are compulsory?*

According to the Code,—Registers of Baptisms, Confirmations, Marriages, Deaths; and books *de statu animarum* (Canon 470, § 1).

985. *What are the rules relating to parish records?*

These rules relate to the method of making the entries, the place in which the books are to be kept, the person who is to have control over them, the manner of making extracts from them, their deposit in the Diocesan Chancery, and their value in courts of law.

986. *What are the rules concerning the method of making the entries?*

1. General rules.—The method of making the entries must be in harmony with the usage approved by the Church and the regulations of the Ordinary.

2. Special rules.—

A. Baptismal Registers.—In these must be inscribed:

- (1). The baptisms (Canon 777). See page 29.
- (2). When the occasion arises,—notation is to be made in the margin, (Canon 470, § 2) of the person's Confirmation (Canon 798; see page 31); of his Marriage (Canon 1103, § 2; see page 125), except in cases of marriage of conscience, which must be recorded in Diocesan Chancery (Canon 1988); of his elevation to Subdeaconship (Canon 1011; page 75); of his or her solemn religious profession (Canon 576, § 2).

B. Death Registers. See page 213.

C. Marriage Registers.—In these must be inscribed:

- (1). The marriages (Canon 1103, § 2; see page 125), except marriages of conscience, which must be recorded in the Diocesan Chancery (Canon 1107).
- (2). The decree of nullity of a marriage (Canon 1988).

987. *What are the rules relating to the manner of preserving the parish records?*

Care must be taken to prevent their falling into unauthorized hands. To this end, they are to be kept under lock and key, together with the parish archives, episcopal letters, pastorals, and ordinances, records

of confraternities, and official reports of canonical visitations (Canon 470, § 4).

988. *To what control are the parish archives subject?*

To the inspection of the Ordinary or of his delegate, at the time of a canonical visitation, or at any other time (Canon 470, § 4).

N. B. Canon 2383 provides for a punishment to be inflicted by the Ordinary on the pastor who neglects to fill out and preserve the parish records.

989. *In what form are extracts from Parish Records to be issued?*

If they are given by the pastor, they are to be stamped with the parish seal (Canon 470, § 1).

990. *What is the rule relating to the depositing of the Parish Records in the Diocesan Chancery?*

At the end of every year, the pastor is to send to the episcopal Curia an authentic record of the Baptisms, Confirmations, Marriages, and Deaths in his parish; but not a copy of the *Liber Status Animarum* (Canon 470, § 3).

991. *What is the value of Parish Records in the courts?*

They, and authentic extracts from them made by the pastor, by the Ordinary, or by ecclesiastical notaries, have the value of proof in the courts (Canon 1813, § 1, No. 4).

N. B. Canon 2406 provides for canonical punishments to be inflicted by the Ordinary on those who forge false certificates of this kind, and on the pastors (or others) who unlawfully refuse to furnish copies of the records.

2. FINANCIAL RECORDS

992. *Which are the Financial Records to be kept in the parish?*

1. The Register of Masses (Canon 843). See page 158.
 2. The list of Foundations (Canons 1548-1549). See page 228.
 3. The Register of Receipts and Expenditures (Canon 1523, No. 5).
- See page 223.

BOOK III

Disciplina Ecclesiastica

After having considered the Discipline of the Sacraments (pages 1 to 137), and the Discipline of the Pastoral Office (pages 138 to 231), it is now our duty (in a Guide for the use of the clergy) to take up the points of discipline that concern all clerics by the very fact that they are clerics, no matter what may be their particular functions.

These general rules are of two classes:

1. Those which relate to the personal morals and sanctity of ecclesiastics.
2. Those which deal with the relations of clerics to the hierarchy.

SECTION I

SANCTITY OF LIFE AND MORALS OF ECCLESIASTICS

993. *What does the private sanctity of the priest demand?*

1. Piety.
2. Love of study.
3. Clerical dignity.

CHAPTER I

Ecclesiastical Piety

994. *What acts of piety does the Church exact from her clergy?*

She commands Bishops to see that all clerics lead a regular life, go frequently to Confession, spend some time each day in mental prayer and visits to the Blessed Sacrament, read the Holy Office with faith and devotion, prepare well for the celebration of Holy Mass, recite the Rosary, and make their daily examination of conscience (Canons 125, 135).

She imposes on all the diocesan clergy the obligation of making a Retreat at least every three years. The Ordinary shall fix the time, duration, and place of the Retreat; he can give dispensation from attendance at the Retreat only in particular cases, and for just reasons (Canon 126).

CHAPTER II

Ecclesiastical Love of Study

995. *What in particular should a priest study?*

The sacred sciences, in accordance with the traditional teaching of the Church (Canon 129).

996. *What is recommended by the Church, for the purpose of fostering the habit of study amongst the clergy?*

Examinations and Conferences.

997. *What are the canonical regulations concerning Examinations?*

All young priests, for at least three years after their ordination, are liable to an annual examination according to the form required by the Ordinary (Canon 130, § 1). This examination should count for promotions (§ 2); and the Bishop should, by threat of canonical punishment if necessary, compel those priests to submit to it who, without dispensation or lawful reason, have evaded it (Canon 2376).

998. *What are the canonical regulations concerning Conferences?*

They should be held several times during the year, in the episcopal city, and in each Deanery, on days appointed by the Bishop. They should treat of Moral Theology and Liturgy; and the Bishop may introduce such other exercises as he may deem proper for the promotion of learning and piety (Canon 131, § 1).

If the priests are not able to meet together, the solution of the questions propounded may be sent in in writing (§ 2).

Unless they have explicit exemption from the Ordinary, the following are bound to attend the Conferences: all the diocesan priests, and also the religious, if they have no special Conferences in their own residence (§ 3).

CHAPTER III

Ecclesiastical Propriety

Questions to be considered:

1. Garb.
2. Residence.
3. Worldly visits and associations.
4. Occupations.
5. The publishing and reading of books.

1. ECCLESIASTICAL GARB

999. *What should the ecclesiastical garb be?*

According to Canon 136:

1. Proper clothing, in accordance with the customs of the place and the regulations of the Ordinary (§ 1).

2. The tonsure, unless the customs of the country are opposed to it (§ 1).

3. Simplicity in the mode of dressing the hair (§ 1).

4. No ring, unless by special indult (§ 2).

1000. *What sanctions are attached to the regulations concerning the ecclesiastical garb?*

Minor clerics who, of their own accord and without legitimate excuse, have abandoned the ecclesiastical garb and the tonsure, and who, after warning from the Ordinary, have not mended their ways in this matter within a month, are *ipso facto* demoted from the clerical state. (Canon 136, No. 3).

2. ECCLESIASTICAL RESIDENCE

1001. *What is to be desired in this matter?*

The custom of having the clergy lead a community life is to be praised and encouraged. Wherever it already exists, it is to be retained as long as possible (Canon 134).

1002. *What is to be avoided in the houses of clerics?*

The clergy shall not keep or receive in their houses women who might be the cause of suspicion (Canon 133, § 1).

1003. *Under what conditions may a cleric keep in his house persons of the female sex?*

According to Canon 133:

1. The clergy are permitted to live under the same roof with only such persons as cannot provoke suspicion, as, for instance, their relatives (mother, sister, aunt, etc.), or persons who, because of their established reputation or their advanced age, are not liable to suspicion (§ 2).

2. The Ordinary has the right to decide in each case as to whether or not a cleric may keep or receive visits from a certain person (§ 3).

3. Clerics who are contumacious on this point are to be considered as *concubinari* (§ 4).

3. WORLDLY VISITS AND ASSOCIATIONS

Questions to be considered:

1. Games.
2. Theaters.
3. Saloons.

A. THE CLERGY AND GAMING

The clergy must absolutely refrain from games of chance when they are played for money (Canon 138).

B. THE CLERGY AND THEATERS

The clergy shall not attend theatrical performances, dances, and other amusements which are unbecoming their state, or where their presence would give scandal, especially in public theaters (Canon 140).

C. THE CLERGY AND SALOONS

The clergy must not enter saloons or other similar places without necessity or some other just motive approved by the Ordinary of the place (Canon 138).

D. THE OCCUPATIONS OF THE CLERGY

1. General Rules:—

A. They must refrain from all that is unbecoming their state:

- (1). the plying of unseemly trades;
- (2). games of chance for money (as above);
- (3). the carrying of arms, except for a just motive;
- (4). hunting;
- (5). visiting saloons (as above) (Canon 138);

B. They must avoid those occupations which, without being downright unbecoming, are nevertheless unsuited for the clergy:

- (1). medicine and surgery;
- (2). the office of notary;
- (3). public office;
- (4). acting as agent for goods or property;
- (5). the judicial office;
- (6). legislative functions;
- (7). military service;
- (8). commerce (Canons 139, 141, 142);
- (9). lawsuits.

2. Special Rules.—

A. The Carrying of Arms.

Ecclesiastics shall not carry arms, unless by reason of special circumstances, when their personal safety seems to demand it (Canon 138).

B. Hunting.

Clerics shall not indulge in hunting; they shall never partake in that sort of hunting which entails clamor and notoriety (Canon 138).

C. Medicine and Surgery.

See pages 194 and 195.

D. Public Office.

Ecclesiastics are forbidden to assume a public office which entails the exercise of civil jurisdiction or administration (Canon 139, § 1).

E. Acting as Agent for Goods or Property.

a. Without the permission of the Ordinary, it is forbidden for ecclesiastics to act as agents for goods or property belonging to lay people, or to undertake secular business which entails the obligation of rendering on account (Canon 139, § 3).

Especially is it true that ecclesiastics, while they may approve and encourage by their activity and advice works which have in view the temporal betterment of the faithful, cannot assume offices which entail administrative occupations and obligations, such as the functions of President, Secretary, Treasurer, etc. (Decree *Docente Apostolo* of the S. C. Consist., Nov. 18, 1910).

b. Clerics are forbidden to go on any one's bond, even with their own money, without the consent of the Ordinary of the place (Canon 137).

F. The Judicial Office.

a. The office of lawyer, or procurator:— forbidden to clerics, except before an ecclesiastical tribunal, or when, in the civil courts, it is a question of their own personal case, or of a case which concerns their churches (Canon 139, § 3).

b. If it is a civil criminal case, entailing a grave personal punishment,— clerics shall take no part in it, not even as witnesses, unless in case of necessity (Canon 139, § 3).

G. Legislative Functions.

Ecclesiastics are forbidden to solicit or accept the office of legislator (Senator or Representative), without the authorization of the Holy See (for places where such offices are prohibited); of their own Ordinary, and of the Ordinary of the place of election (in other cases) (Canon 139, § 4). Bishops are urged to be very slow to grant such authorization (Pont. Com. for the Int. of the Code, April 25, 1922).

H. Military Service.

a. The Canonical Rule:— Clerics are forbidden to engage in military service, unless with the permission of their Ordinary, given so that they

may the sooner complete their obligatory term of service (Canon 141, § 1). (Ecclesiastical immunity, Canon 121).

b. Sanctions:— The cleric who, of his own accord, enters military service, without the authorization of his Ordinary:

A. immediately and without further notification loses his charge (Canon 188, No. 6);

B. if he is only a minor cleric, is *ipso facto* demoted from the ecclesiastical state (Canon 141, § 2).

See page 73, impediments to the reception of Holy Orders.

I. Commerce.

a. The Rule:— Clerics are forbidden to engage in commerce, either personally or thru others, for their own benefit or for the benefit of others (Canon 142).

b. The Sanction:— Canon 2380 commands the Ordinary to reprimand, by means of punishments proportioned to their offense, those clerics who engage in commerce.

J. Lawsuits.

a. Clerics are forbidden to start a lawsuit, of whatever kind, without the permission of the Ordinary (Canon 1553, § 1, No. 3, and Canon 120, §§ 1-2).

b. If, however, they are sued in the civil courts, clerics can, if necessary, answer the citation and appear in court, but they must notify the Ordinary from whom permission should have been secured (Canon 120, § 3).

5. ECCLESIASTICS AND THE PUBLISHING AND READING OF BOOKS¹

1004. *What are the duties of ecclesiastics in this matter?*

They must submit to the Church's control over books, journals, periodicals, etc.² (Canon 1384, § 2); also to her right to censor them before they are published, and to forbid certain of them to be read (Id., § 1).

A. THE CENSORING OF BOOKS

1005. *What sort of writings must, before being published, be submitted to ecclesiastical censure, no matter who is the author? And what is the authority that has the right to authorize their publication?*

We must distinguish:

¹ There is no occasion here for stating in detail the complete discipline relating to the censure and prohibition of writings (Canons 1384-1405). We shall merely indicate the rules that will be practical for the clergy, either for their own guidance, or for the direction of consciences.

² According to this Canon, the word "book" embraces all these various kinds of publications. It is in this general sense that it will be used in what follows.

1. The books of Holy Scripture and commentaries upon them, writings which treat of religion and morals, and pious images with or without prayers attached, must, before being published, have the approbation of the Ordinary of the author, or of the Ordinary of the printer, or of the Ordinary of the editor¹ (Canon 1385, §§ 1-2).

2. Nothing which treats of the beatification or canonization of the servants of God can be published without the permission of the Sacred Congregation of Rites (Canon 1387).

3. As to those which treat of indulgences:

A. Books, pamphlets, and leaflets which mention them, must bear the authorization of the Ordinary of the place (Canon 1388, § 1).

B. Authentic collections of indulgenced prayers and apostolic indulgences must be authorized by the Holy See (Canon 1388, § 2).

C. Collections of decrees of the Roman Congregations are subject to the approbation of their Prefects (Canon 1389).

D. Liturgical editions and litanies approved by the Holy See, must bear the certificate of conformity with the approved editions, signed by the Ordinary of the printer or the Ordinary of the editor (Canon 1390).

E. Translations of the Holy Scripture into the vulgar tongue must, before being printed (Canon 1391):

(1). either be approved by the Holy See;

(2). or have been supervised by the Bishop, and contain notes taken especially from the Fathers of the Church and from other approved Catholic writers.

N. B. Canons 1393-1394 indicate the procedure to be followed by the Ordinary in all that concerns the censure of writings.

1005a. *Independently of these general rules, are not the publications of ecclesiastics subject to still more rigorous control by ecclesiastical authority?*

According to Canon 1386, § 1, the diocesan clergy must have the consent of their Ordinary, and the religious must have the consent of their Superior and of the Ordinary of the place:

1. to publish books that treat even of secular matters;

2. to write for journals or periodicals, or to edit them (notably in the case of parish bulletins);

¹ If one of the three Ordinaries has refused his approbation, the author cannot ask for approbation from either of the other two without notifying him of the refusal (Canon 1385 § 2).

1005b. *Are the Catholic laity permitted to write for journals or periodicals which habitually attack the Catholic religion or good morals?*

No!, unless for a just and reasonable motive approved by the Ordinary (Canon 1386, § 2).

B. THE PROHIBITION OF BOOKS¹

1006. *What is the significance of the prohibition of books?*

The prohibition of a book means that it is forbidden, without the permission of competent authority (the Holy See, or the Bishop, as the case may be; see further on), to publish or republish it, to read it, to keep it in one's possession, to sell it, to translate it, or to lend it to others (Canon 1398).

1007. *What publications is it forbidden to read?*

There are two classes:

1. *De officio* (by the very law), it is forbidden to read:

- A. editions and translations of the Holy Scripture edited or published by non-Catholics;
- B. all writings which defend schism or heresy, or which attack the foundations of religion;
- C. all writings which deliberately attack religion or morality;
- D. all writings relating to the Holy Scriptures, or to religion, or to morals, which are not approved;
- E. books which tell of new apparitions, visions, revelations, miracles, and prophecies, or which introduce new devotions, without having complied with the canonical regulations concerning their approbation;
- F. writings which attack Catholic dogmas, ecclesiastical discipline, respect for the clerical or the religious state;
- G. writings which defend the lawfulness of duelling, suicide, divorce, or which strive to justify the Masonic or other similar sects;
- H. writings which treat *ex professo* of obscene things;
- I. liturgical editions which are not in conformity with the authentic editions;
- J. writings which recommend false or abrogated indulgences;
- K. holy images which are contrary to the sentiment or the decrees of the Church (Canon 1399).

2. Publications which have been specially condemned by competent ecclesiastical authority in accordance with Canons 1395-1398.

¹ Canons 1395-1398 enunciate the rules according to which ecclesiastical authority prohibits the reading of certain writings. There is no occasion here for taking them up in detail.

1008. *Who are allowed, without special permission, to read the books prohibited by the Ecclesiastical Index?*

1. All Cardinals, Bishops, and other Ordinaries, provided that they take the necessary precautions (Canon 1402).
2. Those who are engaged, in any manner whatsoever, in theological or Biblical study, alone have permission to read the editions of the Holy Scripture which are published by non-Catholics, and non-approved translations into the vulgar tongue, provided that these editions represent the original of the author, and do not attack Catholic faith in preface or notes (Canon 1400).

1009. *Who can grant permission to read writings which are on the Index?*

1. Ordinaries can give permission to their subjects to read a certain book which is forbidden by the Code or by the Holy See, but only in urgent cases (Canon 1402, § 1).
2. If the Ordinaries have secured the power to give permission to their subjects to keep and read forbidden books, they must exercise great discretion in the granting of this permission, and give it only for a just and reasonable motive (Id., § 2).

1010. *May he who has the Apostolic permission to read and to keep forbidden books, make use of that permission for books that are on the Episcopal Index?*

Nol, unless the Apostolic indult clearly states that it includes all books, no matter by whom condemned (Canon 1401, § 1).

1011. *To what precautions is he bound who has received permission to read books that are on the Index?*

1. It is his serious duty to keep these books so that they may not fall into the hands of other persons (Canon 1401, § 2).
2. This permission does not dispense from the natural law which forbids the reading of books which might be the cause of proximate spiritual danger (Canon 1405, § 1).

N. B. It may be well here to call the attention of directors of consciences to Canon 1404, which relates to the duties of booksellers:

1. Books that treat *ex professo* of obscene things may not be sold, or loaned, or kept in the shop.
2. As for other forbidden books:
 - A. They must not be kept in the shop without the permission of the Holy See.
 - B. They must not be sold unless it is prudently judged that the buyer has a right to demand them.

SECTION II

HIERARCHICAL RELATIONS OF THE CLERGY

Questions to be considered:

1. The Incardination of Clerics into a Diocese.
2. The Relations of Clerics to the Hierarchy.

CHAPTER I

The Incardination of Clerics into a Diocese

1012. *Is it necessary that every cleric shall be incardinated into a diocese?*

Every cleric must belong to a diocese or to a religious order. The Code does not admit the existence of unattached priests (*vagi*). (Canon 111, § 1).

1013. *When does incardination take place?*

Incardination is effected by the reception of tonsure; the cleric belongs to the diocese for whose service he is ordained (Canon 111, § 2).

1014. *Under what conditions may a cleric be validly incardinated into a diocese other than that for which he received tonsure?*

This can be done in two ways:

1. By dimissorial letters (*excardinationis*), perpetual and absolute, signed by his Ordinary, and by letters of perpetual and absolute incardination signed by the Ordinary of the diocese which receives him (Canon 112).

2. By the fact that he receives, in another diocese, a residential benefice, with the written consent of his Ordinary or his written permission to leave the diocese forever (Canon 114).

N. B. A. Special rules for religious (Canons 115, 585, 641).

B. Rules to be observed by the Ordinary for the incardination and excardination of clerics (Canons 113, 115-117).

CHAPTER II

The Relations of Clerics to the Hierarchy

Questions to be considered:

1. The relations of clerics to the diocesan Ordinary.
2. The office of Deans. (*Vicarii Forani*).
3. The relations of Pastors and Assistants.
4. The duty of the Clergy regarding the recruitment of the priesthood.

1. THE RELATIONS OF THE CLERGY TO THE ORDINARY

1015. *How must the clergy comport themselves with regard to their Ordinary?*

They are bound by a special obligation,—priests in particular,—to show their Ordinary respect and obedience (Canon 127).

1016. *In what particular manner should the obedience of the clergy to their Ordinary be manifested?*

1. Whenever, and as long as (in the judgment of the Ordinary) the need of the Church shall demand it, the clergy, unless some legitimate cause excuses, must accept and faithfully fulfill the charge that the Bishop confides to them (Canon 128).

2. If a cleric has secured from his Bishop permission to enter another diocese and at the same time remain inscribed amongst the clergy of his original diocese, the Bishop may recall him for a just reason; but the laws of natural equity must be observed (Canon 144).

1017. *What should be the conduct of the clergy (and of the laity) in the asking of favors (dispensation, permissions, etc.) from superiors?*

1. If a favor has been refused by one's own Ordinary, one cannot ask it from another Ordinary without mentioning the first refusal, etc. (Canon 44, § 1).

2. If a favor, refused by a Vicar-General, is then asked for from a Bishop, without mention of the aforesaid refusal, it is invalid. If it is first refused by the Bishop, it cannot then be granted by the Vicar-General, without the consent of the Bishop (Canon 44, § 2).

2. THE OFFICE OF DEAN¹

1. GENERAL NOTIONS

1018. *Who may be chosen for the office of Dean?*

Any priest who is judged by the Bishop to be worthy. Ordinarily, however, the selection is made from amongst the pastors of parishes (Canon 446, § 1).

1019. *How may a Dean be deprived of his office?*

At the will of the Bishop (Canon 446, § 2).

1020. *Where should the Dean reside?*

If he is not a pastor,—within the territory of his district, or at least in a place not far removed from it, in accordance with the regulations laid down by the Bishop (Canon 448, § 2).

¹ The *Vicarii forani* are called by different names in different dioceses. The term most commonly employed is "Dean". In Canon 217, the Code bids the Bishop to divide his diocese into regions or districts composed of several parishes; the priests appointed over these districts are called vicars forane, deans, archpriests, etc. However, the name matters little; the function is the same in each case.

1021. *What is the Dean's right of precedence?*

He has right of precedence over all the pastors and other priests of his district (Canon 450, § 2).

1022. *How are the official acts of the Dean to be authenticated?*

By the use of the seal of the Deanery (Canon 450, § 2).

2. DUTIES OF THE DEAN

1023. *What are the duties of a Dean?*

They relate to vigilance over his district, care of the sick priests, the calling of conferences, and the annual report to the Bishop.

VIGILANCE OVER THE DISTRICT

1024. *Over what is the Dean supposed to keep watch?*

According to Canon 447, § 1, independently of the special faculties that the provincial or diocesan synod may confer on them, and in accordance with the rules established by that synod, or to be established by the Bishop,—they have in a special manner the right and the duty:

1. To see that the ecclesiastics of their Deanery lead a life that is in conformity with the holy canons, and that they carefully discharge their duty regarding residence, preaching, the catechism of children and of adults, and the care of the sick.

2. To see that the commands issued by the Bishop during his pastoral visitation, are executed.

3. To see that the priests of his Deanery take the precautions prescribed concerning the matter for the Eucharistic sacrifice.

4. To see that the priests look after the cleanliness and adornment of the churches, of the sacred vessels and vestments, especially in all that relates to the reservation of the Holy Eucharist and the celebration of Mass.

5. To see that the sacred functions are performed according to the rules of the liturgy.

6. To see that the ecclesiastical property is administered carefully, and that the obligations attached thereto, particularly the Mass obligations, are regularly fulfilled.

7. To see that the parish Registers are properly filled out and safely kept.

1025. *In what way shall the Deans fulfill their duties?*

They must, at times appointed by the Bishop, visit the parishes of their Deanery (Canon 447, § 2).

THE CARE OF SICK PRIESTS

1026. *What is the duty of the Dean in this matter?*

According to Canon 447:

1. As soon as the Dean shall learn that a pastor of his district is seriously ill, he shall take steps to see that the sick man is not left without spiritual and temporal assistance.

2. If a pastor of the district dies, the Dean shall see that a fitting funeral is given him.

3. During the illness and after the death of a pastor, the Dean shall see that the records, the sacred vessels, and the vestments, as well as all other objects belonging to the church, shall suffer no damage, and shall not be taken away.

ECCLESIASTICAL CONFERENCES

1027. *What is the duty of the Dean in this matter?*

He must call together the priests of his district on the days appointed by the Bishop, and preside over the conference (Canon 448, § 1).

1028. *What if there are several conferences in different parts of the Deanery?*

It is the duty of the Dean to see that they are held regularly (Id.)

REPORTS TO THE ORDINARY

1029. *When should the Dean make a report to the Ordinary concerning his district?*

At least once a year.

1030. *What should this report include?*

Not only the good that has been done, but also the evil that may have occurred, the scandals that may have arisen, the remedies that have already been adopted to heal them, together with recommendations of measures to be taken to extirpate them radically (Canon 449).

3. THE RELATIONS OF PASTORS AND VICARS¹

Questions to be considered:

1. General Questions.
2. Special Points.

¹ Since the rights and duties of pastors as such have been already explained in our Guide whenever the question arose, (Canons 451-470), there is no need of discussing the matter again (See in the alphabetical index, the word "pastor").

A. GENERAL QUESTIONS

1031. *What is meant by a Vicar (curate, assistant)?*

The priest who is appointed to perform the ecclesiastical functions in place of another priest or moral ecclesiastical person.

1032. *How many different kinds of Vicars are there?*

1. *Vicarii paroeciales*, parish vicars, who have charge of the active care of souls in parishes attached to a Chapter, a religious house, or other moral person (Canon 471).

2. *Vicarii oeconomi*, administrators, who are appointed to take care of a vacant parish (Canons 472-473).

3. *Vicarii adjutores*, given to a pastor who, because of infirmity, advanced age, or other cause, is permanently unable to properly discharge his duties (Canon 476).

4. *Vicarii cooperatores*, assistant pastors, given to the pastor of a parish to help him in his ministry (Canon 476).

5. *Vicarii substituti*, who take the place of a pastor, when he is absent from his parish for more than eight consecutive days (Canons 465, § 4-5, and 474).

1033. *Who has the right to appoint vicars?*

1. *Vicarii paroeciales*,— unless there exists a contrary privilege or custom, they are presented by the Chapter or the moral person whose place they fill, and are appointed by the Ordinary of the place, if he considers them worthy (Canon 474, § 2).

2. *Vicarii oeconomi* and *vicarii adjutores (auxiliares)* are appointed by the Ordinary (Canons 472, No. 1, and 475, § 1).

3. *Vicarii cooperatores*,— are appointed by the Ordinary after consultation with the pastor (Canon 476, § 3).

4. *Vicarii substituti*,— are chosen and presented to the Ordinary by the pastor whose place they are to take (Canon 465, §§ 4-5).

N. B. We do not consider here any cases in which the *vicarius* is a religious.

1034. *What rules govern the right of precedence of the various vicars?*

1. The *vicarius paroecialis* of the Cathedral Chapter has the right of precedence over all the pastors and vicars of the diocese (Canon 478, § 1).

2. The *vicarius oconomus* has the same right of precedence as he whose place he is taking (Id.; with certain special clauses indicated in Canon 106).

3. The *vicarius substitutus* and the *vicarius adjutor* have right of

precedence over the *vicarii cooperatores*, so long as they remain in office (Canon 478, § 2).

4. The *vicarius cooperator* has right of precedence over the other priests attached to the parish church (Id.).

B. SPECIAL POINTS

N. B. It is not necessary to advert here to the *Vicarii Paroeciales*. Suffice it to say that they enjoy all the rights of pastors (Canon 471). As to the *Vicarii Substituti*, this matter has already been discussed when speaking of the matter of residence (See page 141).

It now remains, therefore, to speak of the rights and duties of the *Vicarii Oeconomi*, the *Vicarii Adjutores*, and the *Vicarii Cooperatores*.

THE VICARII OECONOMI

1035. *What is to be done when a parish becomes vacant?*

According to Canon 472:

1. The Ordinary must appoint a *vicarius oeconomus* as soon as possible.

2. In the meantime, unless other arrangements have been made, the government of the parish belongs to the *vicarius cooperator*,—to the first, if there are several; to the senior, if they are equal in rank. If there is no *vicarius cooperator* at all, the government of the parish belongs to the pastor of the nearest parish.

3. The priest who has assumed the government of the vacant parish must notify the Ordinary as soon as possible.

1036. *What are the rights and duties of the vicarius oeconomus?*

1. During his term of office,—he has the same rights and duties as the pastor, in all that concerns the care of souls. He must avoid doing anything in the parish which might militate against the rights of the pastor or the interests of the parish (Canon 473, § 1).

2. When he gives up his charge,—he must, in the presence of the Dean or of some other priest appointed by the Ordinary, deliver to his successor (pastor or otherwise) the key of the parish archives, the list of records and other documents, and the report of all the receipts and expenditures during his administration (Id., § 2).

THE VICARII ADJUTORES

1037. *What are the rights and duties of the vicarius adjutor (auxiliarius)?*

According to Canon 475, § 2:

1. If he takes the place of the pastor in all matters,—he has all the rights and duties of the pastor, except the obligation of applying the Mass *pro populo*.

2. If he takes the place of the pastor in only certain matters,—his rights and duties are fixed by the terms of his letter of appointment.

1038. *Is a vicarius adjutor subject to the authority of the pastor whose place he takes?*

Yes!, if the pastor has the use of his faculties (Canon 475, § 3). The situation is to be regulated by the Ordinary.

THE VICARIUS COOPERATOR

1039. *What are the rights and duties of the vicarius cooperator?*

1. According to the intention of the Ordinary, he is appointed for the whole parish, or for only a determined portion of the parish (Canon 476, § 2).

2. He is bound to observe residence, and, unless it is really impossible, to live in the parish house (Canon 476, § 6).

3. His rights and duties are regulated by the diocesan statutes, the faculties given him, and the delegation of the pastor. But, unless the contrary is explicitly stated, he must, by reason of his appointment, take the place of the pastor and assist him in all matters of parish administration, except the application of the *Missa pro populo* (Canon 476, § 6).

1040. *What should be the relations of pastor and vicar?*

According to Canon 476, § 7:

1. The vicar must be obedient to the pastor.

2. The pastor should paternally instruct and direct the vicar in the work of the care of souls, keep vigilant watch over him, and at least once a year give a report of him to the Ordinary.

4. ECCLESIASTICS AND THE WORK OF SACERDOTAL RECRUITMENT

1041. *What efforts should priests make to recruit the ranks of the priesthood?*

According to Canon 1353, priests, and especially pastors, should watch over children who show signs of an ecclesiastical vocation, and:

1. take particular care to protect them from the contagion of the world;

2. foster piety in their souls;

3. help and direct them in their studies;

4. make every effort to develop in them the germ of the divine vocation.

THE END

Audite disciplinam et estote sapientes. (Prov. 1-33).

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